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ILLUSTRATED AMERICAN BIOGRAPHY



ISSUED UNDER THE DIRECTION OF
D. I. NELKE.

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ILLUSTRATED

American Biography

CONTAINING

Memoirs, and Engravings and Etchings

OF

Representative Americans

Issued under the direction

of

D. I. NELKE



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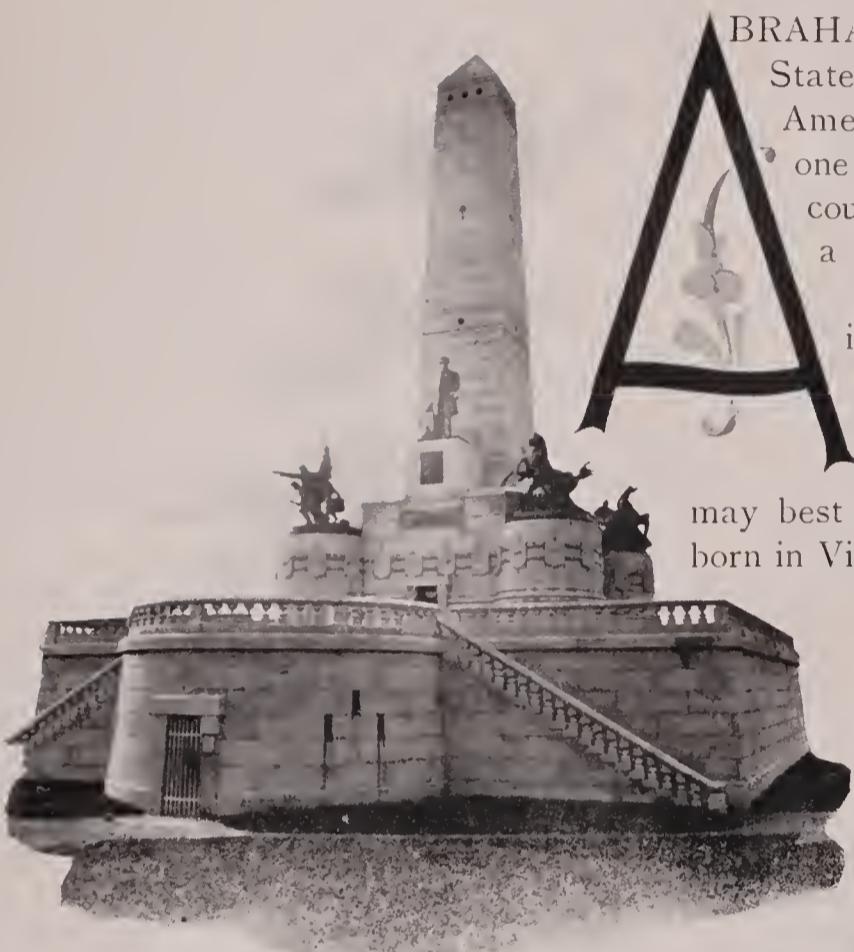
PREFACE.



THE publishers of this work have set to themselves a task whose completion implies a work of magnificent province, of large financial expenditure, and critical and arduous labor, but one whose functions stand in its own justification. Such a compilation has not hitherto been essayed, and its value can not fall short of appreciation in all the years to come. The compass of the work is clearly defined as touching the lives and accomplishments of such men only as have impressed their individuality and wielded an influence upon the communities in which they have lived---men conspicuous in the affairs of state, in professional and in business life, and such as are representative in the maximum sense. This initial part, or number, will serve as a fitting inauguration of a noble history, which shall offer the reflex of the brilliant achievement of the past century, and incidental argument for an even more magnificent future.

ABRAHAM LINCOLN.

SPRINGFIELD, ILLINOIS.



BRAHAM LINCOLN, the sixteenth President of the United States, stands out conspicuously in the category of illustrious American heroes and statesmen, next to Washington. The one earned the distinguished appellation of "Father of his country," the other that of its "Savior" from the perils of a fratricidal war.

On the 12th of February, 1809, in Larue (then Hardin) county, Kentucky, in a cabin on Nolan creek, three miles west of Hodgenville, Abraham Lincoln was born. His parents were Thomas and Nancy (Hanks) Lincoln.

Of his ancestry in early years, the little that is known may best be given in his own language: "My parents were both born in Virginia, of undistinguished families—second families perhaps,

I should say. My mother, who died in my tenth year, was of a family by the name of Hanks, some of whom now remain in Adams, and others in Macon, county, Illinois. My paternal grandfather, Abraham Lincoln, emigrated from Rockbridge county, Virginia, to Kentucky, in 1781 or 1782, where, a year or two later, he was killed by Indians—not in battle, but by stealth when he was laboring to open a farm in the forest.

My ancestors, who were Quakers, went to Virginia from Berks county, Pennsylvania. An effort to identify them

with the New England family of the same name ended in nothing more definite than a similarity in Christian names in both families, such as Enoch, Levi, Mordecai, Solomon, Abraham and the like. My father at the death of his father was but six years of age, and he grew up literally without education. He removed from Kentucky to what is now Spencer county, Indiana, in my eighth year. We reached our new home about the time the State came into the Union. It was a wild region, with bears and other wild animals still in the woods. There I grew to manhood.

"There were some schools, so called, but no qualification was ever required of the teacher beyond 'readin', writin', and cipherin' to the rule of three.' If a straggler supposed to understand Latin happened to sojourn in the neighborhood, he was looked upon as a wizard. There was nothing to excite ambition for education. Of course when I came of age I did not know much. Still, somehow, I could read, write, and cipher to the rule of three, and that was all. I have not been to school since. The little advance I now have upon this store of education I have picked up from time to time, under the pressure of necessity. I was raised to farm work, which I continued until I was twenty-two. At twenty-one I came to Illinois, and passed the first year in Macon county. Then I got to New Salem, at that time in Sangamon, now in Menard, county, where I remained a year as a sort of clerk in a store.

"Then came the Black Hawk war, and I was elected a captain of volunteers—a success which gave me more pleasure than any I have had since. I went into the campaign; was elated; ran for the Legislature the same year (1832) and was beaten,—the only time I have ever been beaten

by the people. The next and three succeeding biennial elections I was elected to the Legislature, and was never a candidate afterward.

"During this legislative period I had studied law, and removed to Springfield to practice it. In 1846 I was elected to the Lower House of Congress; was not a candidate for re-election. From 1849 until 1854, inclusive, I practiced the law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making active canvasses, I was losing interest in politics when the repeal of the Missouri Compromise roused me again. What I have done since is pretty well known."

The early residence of Lincoln in Indiana was sixteen miles north of the Ohio river, on Little Pigeon creek, one and a half miles east of Gentryville, within the present township of Carter. Here his mother died, October 5, 1818, and the next year his father married Mrs. Sallie (Bush) Johnston, of Elizabethtown, Kentucky. She was an affectionate foster-parent, to whom Abraham was indebted for his first encouragement to study. He became an eager reader, and the few books owned in the vicinity were many times perused. He worked frequently for the neighbors as a farm laborer; was for some time clerk in a store at Gentryville; and became famous throughout that region for his athletic powers, his fondness for argument, his inexhaustible fund of humorous anecdote, as well as for mock oratory, and the composition of rude satirical verses. In 1828 he made a trading voyage to New Orleans as "bow hand" on a flatboat; removed to Illinois in 1830; helped his father build a log house and clear a farm on the north fork of Sangamon river, ten miles west of Decatur, and was for some time employed in splitting rails for the fences—a fact which was prominently brought forward for a political purpose thirty years later.

In the spring of 1831, he, with two of his relatives, was hired to build a flatboat on the Sangamon river and navigate it to New Orleans. The boat stuck on a milldam and was gotten off with great labor through an ingenious mechanical device, which some years later led to Lincoln's taking out a patent for "an improved method of lifting vessels over shoals." This voyage was memorable for another reason,—the sight of slaves chained, maltreated, and flogged at New Orleans, which was doubtless the origin of his deep convictions upon the slavery question.

Returning from his voyage, he became a resident for several years of New Salem, a recently settled village on the Sangamon, where he was successively a clerk, grocer, surveyor and postmaster, and acted as pilot to the first steamboat that ascended the Sangamon. Here he studied law, interested himself in local politics after his return from the Black Hawk war, and became known as an effective "stump speaker." The subject of his first political speech was the improvement of the channel of the Sangamon, and the chief ground on which he announced himself (1832) a candidate for the Legislature was his advocacy of this popular measure, on which subject his practical experience made him the highest authority.

Elected to the Legislature in 1834 as a "Henry Clay Whig," he rapidly acquired that command of language and that homely but forcible rhetoric which, added to his intimate knowledge of the people from whom he sprang, made him more than a match in debate for his well educated opponents. He was re-elected to the General Assembly in 1836, 1838, and 1840, serving four consecutive terms. Admitted to the bar in 1837, he soon established himself at Springfield, where the State capital was located in 1839, largely through his influence; became a successful pleader in the State, circuit, and district courts; married, in 1842, Mary Todd, a lady belonging to a prominent family of Lexington, Kentucky; took an active part in the presidential campaigns of 1840 and 1844, as candidate for elector on the Harrison and Clay tickets, and in 1846 was elected to the United States House of Representatives, over the celebrated Peter Cartwright. During his single term in Congress he frequently appeared in the debates, and for a new member made a favorable impression as a rising statesman. He voted for the reception of anti-slavery petitions, for the abolition of the slave trade in the District of Columbia, and for the Wilmot Proviso; but was chiefly remembered for the stand he took against the Mexican war. For several years thereafter he took comparatively little interest in politics, but gained a leading position at the Springfield bar. Two or three non-political lectures and a eulogy on Henry Clay (1852) added nothing to his notoriety as a politician.

In 1854 the repeal of the Missouri Compromise by the Kansas-Nebraska act aroused Lincoln from his indifference, and in attacking that measure he had the immense advantage of knowing perfectly well the motives and record of its author, Stephen A. Douglas, of Illinois, then popularly designated as the "Little Giant." The latter came to Springfield in October, 1854, on the occasion of the State Fair, to vindicate his policy in the Senate, and the "Anti-Nebraska" Whigs, remembering that Lincoln had often measured his strength with Douglas in the Illinois Legislature and before the Springfield courts, engaged him to make a reply. This speech, in the opinion of those who heard

it, was one of the greatest efforts of Lincoln's life,—certainly one of the most effective in his whole career. It took the audience by storm and from that moment it was felt that Douglas had met his match. Joint discussions were held by the distinguished disputants at Peoria and other points, the effect of which, with the fierce campaign against the repeal of the Missouri Compromise, resulted in the election of an anti-Nebraska legislature, and Lincoln was selected as the anti-Nebraska candidate for the United States Senate, to succeed General James Shields, whose term expired March 4, 1855, and led to several ballots; but Lyman Trumbull was ultimately chosen. The second conflict on the soil of Kansas, which Lincoln had predicted, soon began. The result was the disruption of the Whig and the formation of the Republican party. At the Bloomington State Convention in 1856, where the new party first assumed form in Illinois, Lincoln made the greatest speech of his life, in which for the first time he took distinctive grounds against slavery in itself. Thenceforth he became the leader of his party in the State.

At the national Republican Convention in Philadelphia, June 17, after the nomination of Fremont, Lincoln was put forward by the Illinois delegation for the vice-presidency, and received on the first ballot one hundred ten votes, against two hundred fifty-nine for William L. Dayton. He took a prominent part in the canvass of that year in this and other States. In 1859 Lincoln was unanimously nominated by the Republican State Convention as its candidate for the United States Senate in place of Douglas, and in his speech of acceptance used the celebrated illustration of a "house divided against itself" on the slavery question, which, while in the resulting argument it was made to conduce to his final defeat, was so handled as to make impossible the nomination of his opponent as the Democratic candidate for President, which was his objective point. The seven great debates carried on at the principal towns of Illinois between Lincoln and Douglas, as rival senatorial candidates, resulted, at the time, in the election of the latter; but being widely circulated as a campaign document it fixed the attention of the country upon the former as the clearest and most convincing exponent of Republican doctrine.

Early in 1859 he began to be named in Illinois as a suitable Republican candidate for the presidential campaign of the ensuing year, and a political address delivered at the Cooper Institute, New York, February 27, 1860, followed by similar speeches at New Haven, Hartford, and elsewhere in New England, first made him known to the Eastern States in the light in which he had long been regarded at home. By the Republican State Convention, which met at Decatur, Illinois, on the 9th and 10th of May, Lincoln was unanimously endorsed for the presidency. It was on this occasion that two rails, said to have been split by his hands thirty years before, were brought into the convention, and the incident contributed much to his popularity. The National Republican Convention at Chicago, after spirited efforts made in favor of Seward, Chase, and Bates, nominated Lincoln for the Presidency, with Hannibal Hamlin for Vice-President, at the same time adopting a vigorous anti-slavery platform.

The Democratic party having been disorganized and presenting two candidates, Douglas and Breckinridge, and the remnant of the "American" party having put forward John Bell of Tennessee, the Republican victory was an easy one, Lincoln being elected, November 6, by a large plurality, comprehending nearly all the Northern States, but none of the Southern. The secession of South Carolina and the Gulf States was the immediate result, followed a few months later by that of the border slave States, and by the outbreak of the great Civil war.

The life of Abraham Lincoln became thenceforth merged in the history of his country. None of the details of the vast conflict which filled the remainder of Lincoln's life can here be given. Narrowly escaping assassination by avoiding Baltimore on his way to the capital, he reached Washington February 23, and was inaugurated President of the United States March 4, 1861.

In his inaugural address he said: "I hold that, in contemplation of universal law and the constitution, the union of these States is perpetual. Perpetuity is implied, is not expressed, in the fundamental laws of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. I therefore consider that in view of the constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care,



LINCOLN IN 1857.

as the constitution enjoins upon me, that the laws of the United States be extended in all the States. In doing this there need be no blood shed or violence, and there shall be none unless it be forced upon the national authority. The power conferred to me will be used to hold, occupy and possess the property and places belonging to the government, and to collect the duties and imports; but beyond what may be necessary for these objects there will be no invasion, no using of force against or among the people anywhere. In your hands, my dissatisfied fellow countrymen, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it."

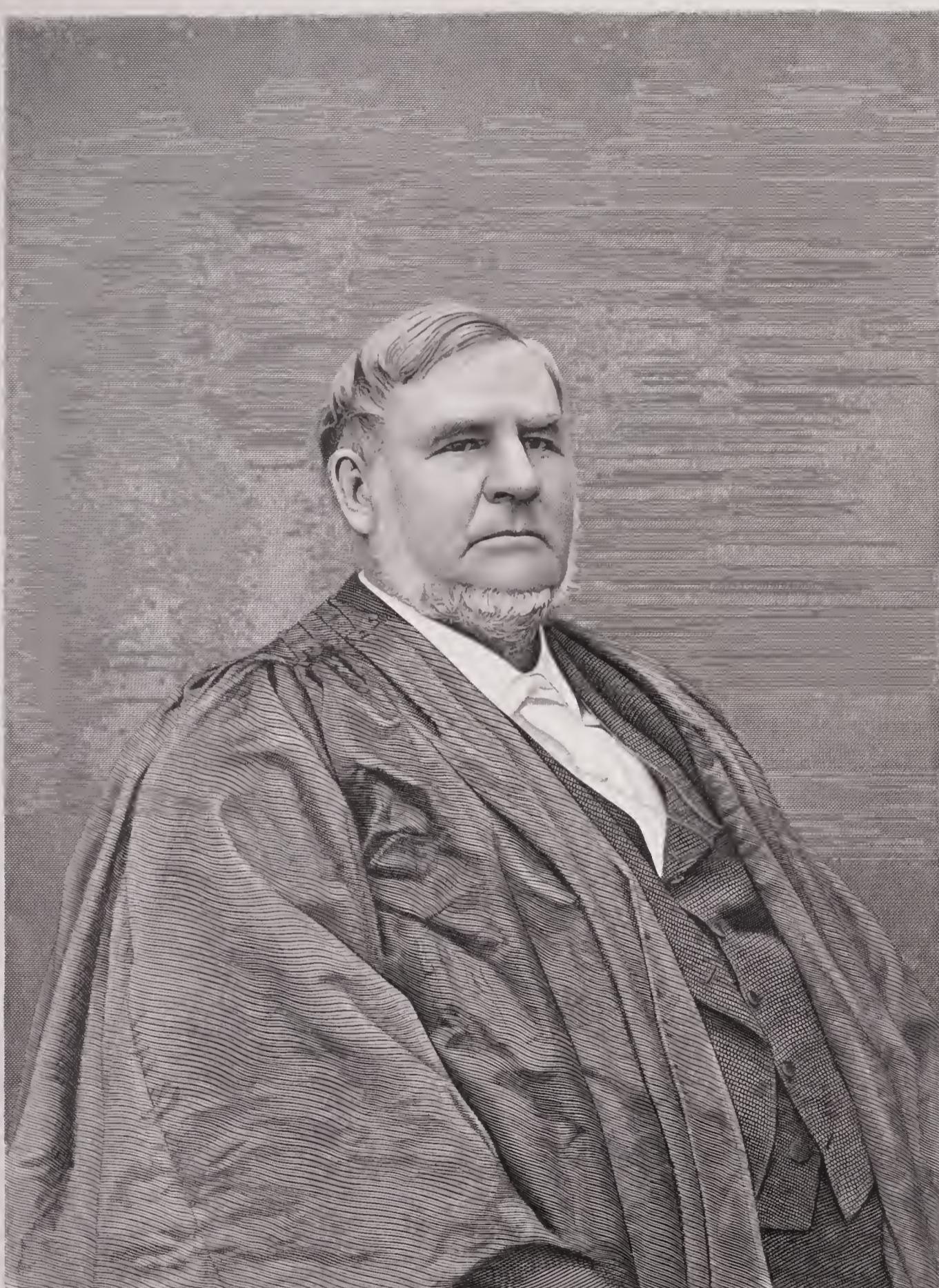
He called to his cabinet his principal rivals for the presidential nomination—Seward, Chase, Cameron and Bates; secured the co-operation of the Union Democrats, headed by Douglas; called out seventy-five thousand militia from the several States upon the first tidings of the bombardment of Fort Sumter, April 15; proclaimed a blockade of the Southern ports, April 19; called an extra session of Congress for July 4, from which he asked and obtained four hundred thousand men and \$400,000,000 for the war; placed McClellan at the head of the Federal army on General Scott's resignation, October 31; appointed Edwin M. Stanton Secretary of War, January 14, 1862, and September 22, 1862, issued a proclamation declaring the freedom of all slaves in the States and parts of States then in rebellion from and after January 1, 1863. This was the crowning act of Lincoln's career—the act by which he will be chiefly known through all future time—and it decided the war.

On the 16th of October, 1863, President Lincoln called for three hundred thousand volunteers to replace those whose term of enlistment had expired; made a celebrated and touching, though brief, address at the dedication of the Gettysburg Military Cemetery, November 19, 1863; commissioned Ulysses S. Grant Lieutenant-General and Commander-in-Chief of the Armies of the United States, March 9, 1864; was re-elected President in November of the same year, by a large majority over General McClellan, with Andrew Johnson of Tennessee as Vice-President; delivered a very remarkable address at his second inauguration, March 4, 1865; visited the army before Richmond the same month; entered the capital of the Confederacy the day after its fall, and, upon the surrender of General Robert E. Lee's army April 9, was actively engaged in devising generous plans for the reconstruction of the Union, when, on the evening of Good Friday, April 14, he was shot in his box at Ford's Theater, Washington, by John Wilkes Booth, a fanatical actor, and expired early on the following morning, April 15. Almost simultaneously a murderous attack was made upon William H. Seward, Secretary of State. At noon on the 15th of April, Andrew Johnson assumed the presidency, and active measures were taken which resulted in the death of Booth and the execution of his principal accomplices.

The funeral of President Lincoln was conducted with unexampled solemnity and magnificence. Impressive services were held in Washington, after which the sad procession proceeded over the same route he had traveled four years before from Springfield to Washington. In Philadelphia his body lay in state in Independence Hall, in which he had declared before his first inauguration that "I would sooner be assassinated than to give up the principles of the Declaration of Independence." He was buried at Oak Ridge Cemetery near Springfield, Illinois, on the 4th of May, where a monument emblematic of the emancipation of the slaves and the restoration of the Union marks his resting place.

The leaders and citizens of the expiring Confederacy expressed genuine indignation at the murder of a generous political adversary. Foreign nations took part in mourning the death of a statesman who had proved himself a true representative of American nationality. The freedmen of the South almost worshiped the memory of their deliverer, and the general sentiment of the great nation he had saved awarded him a place in its affections second only to that held by Washington.

The characteristics of Abraham Lincoln have been familiarly known throughout the civilized world. His tall, gaunt though not ungainly figure, homely countenance and his shrewd mother wit, shown in his celebrated conversations overflowing in humorous and pointed anecdote, combined with an accurate, intuitive appreciation of the questions of the time, are recognized as forming the best type of a period of American history in which the strength of the Union was tested and the ability of the people to maintain a free government in this country was fully established. As the years roll by from that stormy period of doubt and battle, the name of Lincoln looms up with increasing luster. His was the brain that shaped the policy of Congress and cabinet, his the unconquerable spirit which fed the flames of patriotism and kept them in a continuous glow of fervent heat. With unbending will and a prescience which could pierce the future, the path of war was made the way to victory—the union restored, a nation saved. His heart was as warm as his hand was strong, and when the great triumph came his was the voice first to proclaim amnesty and peace.



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David Davis.

DAVID DAVIS,

BLOOMINGTON, ILLINOIS.



JUDGE DAVID DAVIS was born on the 9th day of March, 1815, in Cecil county, Maryland. His family was of Welsh origin, but had been settled in that county for more than a century, and had acquired in every particular the distinctive features of American nationality. He was unfortunate in the loss of his father at an early age; but the kindness of an uncle in many ways atoned in some measure for his early privation. His father left sufficient estate not only to educate him in classical acquirements but also enough to enable him to live beyond the apprehension of want during the years of unproductive life in the early career of manhood. This patrimony was, through the dishonesty and negligence of his guardian, lost to him.

Having attended the local schools of Maryland, at the age of thirteen he was entered a student at Kenyon college, Ohio, at which he graduated at the age of seventeen. Although he had no special talent for public speaking, his taste and inclination directed his attention to the bar as the business of life. As has been said, he had sufficient means to enable him to acquire an education and profession. He was not borne down by the privations of poverty, nor was he enervated by the expectation of hereditary riches. The lines had fallen to him in the golden mean between want and wealth. After leaving college he went to Lenox, Massachusetts, and read law in the office of Judge Henry Bishop, then one of the leading lawyers of the Bay State. After remaining there about two years he attended the New Haven law school for one year. With a good classical education, a course of reading in the office of Judge Bishop, and a term at New Haven, he was fully prepared to enter upon the responsible and arduous duties of a practicing lawyer.

His residence in Ohio, and other information, impressed on his mind the magnitude of the resources of the Mississippi valley, especially the Northwest; and, on being admitted to the bar, he emigrated, in the year 1835, to Illinois. It has been said: "At the time he sought his home in the West, as a very young man, he traversed the breadth of nearly five States, then in comparative infancy, that he might grow with the growth and strengthen with the strength of that commonwealth which has so honored him by its confidence, and whose history his name has enriched in the example of a great character." He first located at Pekin, but after a short time, in 1836, he removed to Bloomington, which for a period of fifty years was his home.

In 1838 he was married to Miss Sarah W. Walker, daughter of Judge Wm. P. Walker, of Lenox, Massachusetts. She was well worthy to be the wife of Judge Davis, and shared with him the privations of his early struggles and the prosperity of his later triumphs with all the grace and dignity that is born of the beauty of goodness. The Judge, on coming to the years of responsible life, followed the hereditary tendency of his family in politics and became an ardent Whig. He had a great admiration for Mr. Clay, which amounted to an enthusiasm. In 1840 he was the Whig candidate in the Bloomington district for State senator; but, the majority being largely against his party, he was defeated by Governor John Moore, then and for many years afterward one of the most popular Democrats of the State. While the Judge was active in politics, he did not permit his party to interfere with his practice. He was most diligent in, and devoted to, his profession. Shortly after his coming to the bar, he was offered the position of clerk of the court, in which office he could make four times his income from his practice; but he declined, having no doubt the inspiration of that hope which, in the end of his career, placed him among the most distinguished

jurists of the United States. Daniel Webster had the same experience with a clerkship in the commencement of his career as a lawyer, and disposed of it in the same way, much to the disgust and disappointment of his father.

In 1844 Judge Davis was elected to the lower house of the Illinois Legislature, and distinguished himself by the clearness and accuracy of his views of the law, and his great capacity of labor in the committee room. He declined a renomination. Although pronounced in his political opinions he was not a politician. He delighted in the practice of the law and the acquirement of that information which would enable him to discharge the higher functions of judge. During the time of his practice the bar of central Illinois was very able, and afterward became most distinguished. Among the prominent lawyers were Mr. Lincoln, Judge Logan, Judge Douglas, Colonel Baker—one of the most brilliant orators of his day—Judge Trumbull, Major Stuart, Mr. Browning and Colonel Hardin. It would be untrue, and therefore unjust, to the memory of Judge Davis to rank him with some of those names as a practicing lawyer. He always disclaimed the comparison, and an honest chronicler should disclaim it for him. The profession of the law had to him a wider range than the ambition of the barrister. Nature had made him a judge by the same mysterious economy that it had made others advocates; and while he was not to wear the glory of the gown he was to be graced by the beauty of the ermine. While at the bar he had a judicial cast of mind, and his career as a lawyer marks the high mission and duty of the truly professional in the economy of society.

In 1847 he was elected to the constitutional convention which framed the constitution of 1848, and he bore a very important part, especially in work providing for, and establishing, the judicial department. During his public life as a legislator he was conspicuous in his efforts to remodel and improve the judicial machinery of both the State and national governments. The present system of federal appellate jurisdiction is modeled on the plan proposed by him when a member of the senate of the United States, and which passed that body with marked unanimity. At the time of the adoption of the constitution of 1848 he had been at the bar about twelve years, and during that time had most diligently given his attention to the practice, and had impressed upon the mind of the bar and the people of central Illinois the fact that he was most eminently qualified for the bench. At the first election of judges, without opposition, he was elected in a circuit composed of fourteen counties, embracing McLean and Sangamon. At the time he became identified with the bar of Illinois, in 1836, Mr. Lincoln was struggling in the commencement of that career which not only made him conspicuous in the ranks of the profession but marked him as one of the greatest men of history. Between him and Judge Davis, from their first acquaintance to the close of Mr. Lincoln's life, a most cordial intimacy existed. In the exercise of that unerring judgment which enabled the judge to pass upon the qualities of men, he discerned in Mr. Lincoln intellectual and moral attributes of the highest order.

After he became judge Mr. Lincoln continued to travel the circuit, attending court in all the counties of the circuit, and contributing by his learning and ability to the administration of justice, and to the social enjoyment of life by a humor unsurpassed in the richness of its merriment. In 1848 the soil of the circuit had not been broken by the survey of a railroad, and his duties as judge required him to hold two sessions of the court in each year in fourteen of the largest counties of the State. The clearness and quickness of his intellect, his preparatory education, both literary and professional, and his practice, had fully capacitated him to discharge with promptness the various and laborious duties of his position. In some of the qualities of a judge he had but few superiors in the long line of judicial ability with which our history as a people has been graced. The important duty of a judge is not *all* performed in the statement and application of the just principles of the law; these can be gathered, in a majority of cases, from vast storehouses of jurisprudence, to which, in England and America, the eminent judges and lawyers have contributed; but to ascertain the truth, to eliminate error and to adjust the rights of parties on the facts as they really exist, is the exercise of a faculty that cannot be directed by adjudged cases. The preservation of estates and the protection of infants against the incompetency or dishonesty of guardians, and the rapacity of unscrupulous speculators, marked one of his peculiar traits as a circuit judge. His faithfulness in behalf of the trust estate of wards may have been strengthened by his own experience, the estate inherited from his father having been squandered by an unscrupulous and irresponsible guardian. He had great faith in the ultimate value of Illinois land, and it required a very urgent necessity to justify the sale of an infant's real estate. His administration of the law in the circuit court was most eminently satisfactory to the people and the bar. But few appeals were taken from his decisions, and his dispatch of the public business was a marvel of efficiency and industry. He was a natural-born judge, and while he was not tyrannical he forcibly exercised power to accomplish the ends of justice.

After his election as judge in 1848 he ceased any active agency in politics, but continued his adhesion to the Whig party until its disruption after the disastrous campaign of 1852. Although anti-slavery in his thought and feeling, he disliked the radical tendency of the Abolitionists. In the campaign of 1858 he took a great interest, being opposed to the repeal of the Missouri compromise and a devoted friend of Mr. Lincoln. Mr. Lincoln and Judge Douglas had been the great champions of the Whig and Democratic parties; and, aside from Judge Davis' personal attachment to Mr. Lincoln, he was interested in him as the great leader of the opposition to the Democratic party. Mr. Lincoln, though defeated for United States senator, laid the foundation in 1858 for his election to the presidency. Upon his great success in the joint debates of that year Judge Davis, in common with the rest of Mr. Lincoln's personal friends in Illinois, enlarged the boundaries of his ambition, and from that time he was an avowed candidate for the presidency. In that candidacy Judge Davis took a lively interest and bore a most distinguished part. He thought that the aspirations of his most intimate friend for the highest office in the land justified his participation in politics. The national convention of the Republicans met in Chicago on the 16th day of May, 1860, and to that convention he was one of the delegates at large. He was so much devoted to the interest of Mr. Lincoln that he could not absent himself from the convention, and besides it was Mr. Lincoln's personal desire that he should attend. This was the first great convention held by the Republican party, and had before it as candidates the most distinguished statesmen of that party, and of its delegates the ablest members and the most accomplished politicians. Judge Davis, from the commencement to the close, was recognized as the leader of Mr. Lincoln's forces; and without his agency in that convention it may be doubted whether Mr. Lincoln would have received the nomination. In his adhesion to that great man he was not actuated by his personal friendship, but by an abiding faith in the ability and integrity of the man. While he had no apprehension that the election of a Republican as president would involve the country in a war, he thought that the grave responsibility that would fall upon the choice of that party would require ability of the highest order and patriotism of the most heroic mold. He took a great interest in the campaign which followed the nomination, but did not participate in it as an active politician. He continued to hold the circuit court uninterruptedly until the autumn of 1862.

During the first year of the war the Department of the Missouri, through the inefficient administration of the quartermaster, became a chaos of confusion, with millions of money contracted and claimed, with honest demands delayed and dishonest claims pressed for payment. The president, in order to relieve the embarrassment of the situation, appointed a commission consisting of Judge Davis, General Holt and Mr. Campbell, of St. Louis, to investigate and pass judgment upon the rights of the parties. It was an immense work of investigation and required the highest grade of talent to bring order and justice out of the confusion. The three men as a combination had the best quality of ability for the task, Judge Davis and General Holt being eminent lawyers, and Mr. Campbell being one of the most experienced merchants of St. Louis. The findings and reports of that commission have been quoted by the highest courts of the land, and the result accomplished by it is an enduring compliment to the integrity and capacity of the men who composed it.

During the fourteen years in which Judge Davis presided in the circuit of Illinois, the popular estimate which the bar and the people had made of his ability to perform the duties was justified beyond the most sanguine expectations of his friends, so that when a vacancy occurred in the supreme court of the United States in the circuit including the State of Illinois, he was recognized by the bar as the person to be appointed to that responsible position. The president had an acquaintance with all the prominent lawyers of the circuit, and had the most intimate knowledge of the ability of Judge Davis; and into his hands, by the constitution, was committed the power and duty of selecting from those lawyers a fit justice for the most important court ever instituted by man. In the quality of Washington, which in the selection of a public officer arose superior to the obligation of personal friendship, President Lincoln, as shown by his administration, was not deficient; and it must be presumed that in the selection of Judge Davis as one of the justices of the United States supreme court, the public good and a just regard for the exigencies of the condition of the country prompted him. After a service of fourteen years on the circuit bench of Illinois, he was, in November, 1862, transferred to the higher jurisdiction of the national judiciary. He had not been accustomed to the accuracy of judicial thought required in the preparation of written opinions, but had most thoroughly investigated and studied the law in all the leading features of its administration. At the time he became a member of the supreme court it was composed of some of the ablest judges of its entire history. The promotion was well calculated to embarrass him with grave apprehensions of his success; for while he was a brave and fearless man when boldness was a virtue he had a modest appreciation of his own ability. His opinions when

deliberately formed, though firm, while in the process of development were susceptible to every legitimate and logical influence. At the time he became a member of the supreme court many questions of importance were pending—questions not of property, not of individual reputation—but great questions of international and public law, questions of civil liberty—not in the interpretation of statutes but in the construction of the constitution of the United States.

He was eminently conservative in the tendency of his mind and judgment; and while he did not coincide with many of the theories of constitutional construction in favor of a strong government, he believed in the sovereignty of the federal power in the passage and execution of such laws as it might determine were within the purview of the constitution. He believed in that theory of the constitution which recognized the union not as a mere compact between the States, but as a government formed upon the adoption of the people and creating direct relations between itself and the citizens. In the discharge of his new duty as a justice of the supreme court he soon impressed his brethren of the bench with his superior judicial qualification; and he wrote but few opinions until the American bar was satisfied that the president had made no mistake in his selection of a judge.

The period of the war was prolific in forcing upon the consideration of all departments of the government new issues of legal inquiry. The financial policy of the government, the belligerent rights of enemies, questions of personal liberty, military commissions, questions of prize—in fact, all the interests of fifty millions of people, both of peace and war, were the subject matter of jurisdiction from 1862 to 1877. One of the most important cases of the period was assigned to him—a case which excited great public interest and provoked much popular discussion. The matter at issue, being a question of individual liberty, and the power of the government in time of war, made it one of the great historical cases, ranking in importance with *Marbury vs. Madison*, and the *Dartmouth College* case. It was the case of *ex parte Milligan*; and an examination of it will justify the resolution of the McLean county bar, "That we do most especially appreciate, as fine specimens of judicial statement, his opinions, which embrace a discussion of the genius and mold of the American government, and recognize those opinions as worthy of a place among the great judicial interpretations of the American constitution." The leading thoughts of the decision are: "The constitution of the United States is a law for rulers and people in war and in peace, and covers with the shield of its protection all classes of men, and at all times and under all circumstances. The government within the constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to overthrow it." It will be seen by an examination of the reports containing his opinions that he fearlessly followed the dictates of an honest judgment, regardless of what might be the prejudice or passion of the hour; and, whether his reason was on one side or the other of the line of popular clamor, he followed the logic of his convictions.

After the close of the war many cases came before the supreme court involving the constitutionality of the legal-tender acts of Congress. In the case of *Hepburn vs. Griswold*, a majority of the court held that "there is in the constitution no express grant of legislative power to make any description of credit currency a legal tender in payment of debt." The effect of this decision was to invalidate by judicial decision one of the most important acts of the government in the prosecution of the war, and to disturb the business of the country, by making nothing but coin applicable to the payment of debts contracted before the passage of the acts of Congress providing for the issue of treasury notes. To that decision Judge Davis, with Judges Swayne and Miller, dissented. In a short time after the promulgation of this decision, other cases reached the supreme court involving the same question; and in what is known as the "legal-tender cases," the court reversed the decision of *Hepburn vs. Griswold* by holding that "the acts of Congress known as the legal-tender acts are constitutional when applied to contracts made before their passage, and are also applicable to contracts made since." The last decision was made by a divided court, Judge Davis holding with the majority that Congress had the power to pass the legal-tender acts of 1862 and 1863. Mr. Choate, with the wand of his genius, has marked with beautiful accuracy the perfect judge: "He shall know nothing about the parties; everything about the case. He shall do everything for justice, nothing for himself, nothing for his patrons, nothing for his sovereign. If on one side are the executive power and the legislature and the people—the source of his honors, the givers of his daily bread—and on the other side an individual, nameless and odious, his eye is to see neither great nor small, attending only to the trepidations of the balance. Give to the community such a judge and I care little who makes the rest of the constitution or what party administers it; it will be a free government." To this high ideal Judge Davis attained.

Although he had not participated in politics since the convention of 1860, in January, 1872, the Labor Reform party nominated him for the presidency. Owing to the dissatisfaction in the

Republican party the liberal movement was inaugurated in the early part of 1872, which culminated in a convention in May; and to that convention his name was submitted as a candidate. Illinois was divided between Judge Davis and Senator Trumbull, which destroyed the chances of both. The friends of Judge Davis were largely in the majority, but there being no State convention held in Illinois the question had to be settled by an equal division of the delegation. The result of the convention was the nomination of Mr. Greeley and the memorable campaign of 1872. In the election of 1876, in Illinois neither of the great parties secured a majority of the legislature, and the balance of power was held by the independent party which nominated Judge Davis as its candidate for the United States senate. General Logan was the nominee for the Republican party, and various persons were supported by the Democracy. After a contest lasting from the first of January until the first of March, the Democracy united with the Independents and elected the Judge a senator from the 4th of March, 1877. The honor was unsolicited on his part, and no effort was made by him to influence the choice of the legislature. He did not exchange the court for the senate because he preferred the dignity and duty of the latter, but because the legislature tendered him the place, and under all the circumstances he did not feel at liberty to decline.

His career as judge commenced in 1848 and ended in 1877, making a continuous service of twenty-nine years of judicial labor. Upon his retirement his brethren of the bench left upon the records of the court an enduring memorial of his many virtues as shown by correspondence. On the 5th of March, 1877, he addressed his brethren of the court as follows:

"My official connection with the supreme court of the United States closes to-day. Having passed all the years of my active life at the bar or on the bench, it is not without serious misgivings that I enter upon a new sphere of public service; but I have not felt at liberty to decline a seat in the senate, with which I have been honored by the general assembly of the State of Illinois. Having severed the relations which have existed between us for so many years, I beg leave to bear my testimony to the eminent learning, ability and integrity which have characterized your judicial labors. From the organization of the government the supreme court has been composed of able and upright judges. In my judgment, it is now as worthy of the confidence of the American people as it ever has been at any period of its history. Since I was invited to its councils by President Lincoln six of its members have been numbered with the dead. I take great satisfaction in the reflection that my relations with them and all my associates have been uniformly kind and cordial. In offering you my parting salutations, I beg you to be assured of the respect and sincere good wishes with which I remain your friend and servant."

To the above the court by letter replied:

"We have received with sincere regret your letter announcing that your official connection with us is closed. During the fifteen years in which you have been a member of this court, questions of the gravest character have come before it for adjudication, and you have borne your full share of the labor and responsibility which their decision involved. We shall miss you in the conference room, your wise judgment and your just appreciation of facts; in the reception room, your kind and courteous greetings. With the hope that your life in the future may be as useful as it has been in the past, and that the ties of personal friendship which now bind us so closely to you may never be broken, we subscribe ourselves very sincerely your friends."

While he had but little legislative experience when he became a member of the senate, he at once took a position among the leaders of that distinguished body, serving on the judiciary committee with Edmunds, Conkling, Thurman, Garland, Carpenter and other great lawyers of the American senate.

In November, 1879, less than two years after his election, Mrs. Davis, who had been in delicate health for some time, died at her old home in Massachusetts, leaving after her the memory of many acts of kindness in alleviating the wants of the poor, both in Washington and the city in which she lived for nearly half a century.

Judge Davis served as acting vice-president for nearly two years, and with but little experience in the technical knowledge of parliamentary law he decided every question that came before the senate without submission, and never was reversed by the action of the senate. In the senate, as in every other situation, he commanded the respect and confidence of his associates, and retired from that body at the end of his term to enjoy the ease and comfort of private life. As a member of the judiciary committee he performed faithful service in shaping the legislation of Congress during the entire term of his office.

In March, 1883, upon the expiration of his term as senator, he was married to Miss Adeline Burr, of Fayetteville, North Carolina, a lady of many accomplishments and fitted in every respect for the high social position which she occupied as the wife of Judge Davis.

After his retirement from the senate he devoted his attention to private business, which, on account of his extensive property, was large and exacting. As he approached the age of seventy the vigor of his constitution and the vivacity of his spirits became much impaired by the encroachments of disease; on the 25th of June, 1886, after an illness of several months, he passed the mysterious change of death. At the time of his decease, though retired from public life, men of all creeds and of all parties anxiously hoped for his restoration to health and vigor. As a public man he had filled no ordinary space in the affections of the people, and in the appreciation of personal friendship throughout the length and breadth of a land made better and happier by the goodness and greatness of his character. He left surviving as children Mr. George Perrin Davis and Mrs. Sarah D. Swayne to perpetuate the worth of a life rich in the goodness of duty performed. Nature and education had stamped upon him every lineament of gentility. Though he was wealthy, fortune-making was not a passion of his life. He loved thrift, independence and possession, but mere wealth had no allurements for him. He served the State as a judge at a nominal salary, to the great sacrifice of his pecuniary interests, and his whole life was devoted to the public service to the detriment of his private fortune. His life was a success, not accidental but deserved. He approached the ladder of fortune and fame, and placed his feet on every round on which he stood as the result of his own labor and merit. If he had opportunity, he created it; if he had success, he achieved it; if he had victory, he won it. He produced the conditions of his own advancement. He filled three-score and ten years with goodness and crowned them with greatness. He commanded the respect of his fellow-citizens of all sections and of all parties, and, in the language of Judge Kelley, "he is so well known to the country by his career as an independent senator and a learned and conscientious justice of the supreme court of the United States."

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RESIDENCE OF DAVID DAVIS, BLOOMINGTON.



Wm C. Spomer

JOHN COIT SPOONER,

MADISON, WISCONSIN.

BY FRANK A. FLOWER.



JOHN COIT SPOONER comes of stock which from the earliest colonial times has produced soldiers and statesmen. The Spooner patronymic was prominent in the vicinity of the ancient Roman town of Colchester, England, five centuries ago; originally it came, it is thought, from Friesland, where it was spelled Spuhner, and the family was, of course, an inveterate enemy of the Romans. The name is not recorded in Domesday Book, but is found in the College of Heraldry as emanating from Warwickshire in the sixteenth century, and also from Worcestershire.

In 1637 Spooners arrived from England and settled in Dartmouth, Massachusetts, spreading to New Bedford, Plymouth, and elsewhere along the coast. The maiden name of the mother of John C. was Coit; she also was descended from the earliest New England settlers—a Welsh family noted for brains, independence, and courage.

The Spooners were prominent in early Colonial affairs; took part in the French and Indian war; and Philip, John C.'s great-grandfather, was, with his brother Michael, a minute-man at Lexington, and rose to distinction in the war of the Revolution. Samuel Coit, the maternal great-grandfather, was also an officer in the Revolution, a colonel, a man of powerful physique, and a fearless and terrific fighter.

Spooners and Coits swarmed into service during the war of 1812, and several were prominent in the Mexican war. But Philip Loring Spooner, father of John C., was a man of added qualities, though different in make-up from the general run of Spooners—unambitious, except as a lawyer, retiring, an enemy of contention, and a promoter of peace. His brother Benjamin, on the other hand, full of the military spirit, was a brilliant soldier in the Mexican war, and recruited the first regiment that was mustered into the service from the State of Indiana for the war of the Rebellion, in April, 1861. He was one of the gallant and intrepid soldiers of that unparalleled contest; lost an arm at Kenesaw mountain, and was made United States marshal of the district of Indiana at a time when the duty of ferreting out and suppressing the Knights of the Golden Circle and other secret and destructive enemies of the country was more trying and perilous than leading the charges of actual war. His final commission was the last State paper signed by Lincoln before going to Ford's theater on the night of the assassination.

John C. was born January 6, 1843, at Lawrenceburg, Indiana, then the prosperous home of a choice circle of citizens, politicians, attorneys, and business men, amongst whom his father, a native of New Bedford, was an honored and respected leader.

The frequency of destructive floods in the Ohio river, ill health and the lack of educational facilities forced the senior Spooner to seek another home for his young family—three sons and one daughter. He had heard of the great natural beauty and healthful climate of Madison, the new capital of Wisconsin; and there, in June, 1859, he established his permanent home and entered upon the practice of his profession, the law. In all the list of nature's noblemen—modest, thoughtful, patriotic, high-minded, generous, pure, and true—the character of no man in the Northwest shone with a more calm and benign effulgence or exercised a more elevating and wholesome influence than

that of Philip L. Spooner. He died in 1887, at the age of seventy-seven, known and honored far beyond the usual lot of men who neither seek nor accept the favors, the offices, or the plaudits of the public; he was acknowledged by the courts and the bar as being pre-eminently a great jurist—a man of unlimited capacity.

John C. attended, for a time, the city schools of Madison, a rapid and comprehensive student. One of his tutors relates that no amount of persuasion or prospect of fun ever induced him to go nutting or upon a frolic before he had fully mastered his lessons; but this mastery could be accomplished in an incredibly short space of time.

He entered the University of Wisconsin in 1860, at the age of seventeen, having decided to prepare to join his father in the legal profession. His career in that institution was brilliant; in the departments of oratory and debate, civil government, international and constitutional law, history, and literature, he was an acknowledged leader of his class.

On April 22, 1864, the governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin tendered 85,000 troops for 100 days, to be paid and equipped by the government the same as other volunteers, but to be charged to no draft and to receive no bounties. This brave offer, made in the face



SCENE AT MADISON, WISCONSIN.

of the fact that the States had just completed their quotas under the call for 700,000 volunteers, was to be filled in twenty days from acceptance. The offer was accepted, and young Spooner, in order to assist in making Wisconsin's tender good within the brief time allotted, secured a recruiting commission, and, borrowing \$300 from a local banker, Mr. Hill, raised a company. Then, although entitled to a commissioned office, he proposed that his entire class enlist as privates, himself included, and choose the officers. He demanded, however, that the class should be graduated the same as though all had remained to the end of the term.

To this, of course, as a reward for patriotism, the authorities assented, and on May 13, 1864, he enlisted as a private in Company D, Fortieth Regiment. This regiment was largely composed of professors and students from Wisconsin colleges and seminaries—the flower of the State. Soon after the end of the 100-day term he re-enlisted for "three years or the war," as Captain of Company A, Fiftieth Regiment, and was detailed first to Fort Leavenworth and then to the Northwest to watch for and quell Indian outbreaks—the most disagreeable and trying service a soldier could be called on to perform. For some months he was stationed with his regiment at Fort Rice, Dakota Territory, in the midst of the Sioux Indians. He was brevetted Major March 13, 1865, and mustered out June 12, 1866.

On returning from the war, Mr. Spooner began studying law with his father, and was soon after (January, 1867) appointed private and military secretary to Governor Lucius Fairchild, with the rank of colonel and a salary of \$2,000 per annum. He was admitted to the bar of Dane county by Circuit Judge H. S. Orton in 1868, though still serving as private secretary.

In 1868 he was appointed Quartermaster-General of the State, serving two years, with the rank of brigadier-general. In 1868, 1869 and 1870 he was assistant attorney-general under Charles R. Gill and Stephen S. Barlow.

May 30, 1868, was memorable in the city of Madison, and also in the career of Mr. Spooner, as marking the first formal Decoration day services in the city, and, it is claimed, in the entire State. From sunrise to sunset cannon boomed in the Capitol park; General J. M. Rusk was marshal of the day; a large number of veterans from the surrounding country (carrying forty of the tattered colors brought back from the war), and a long line of children from the Soldiers' Orphans' Home, marched in the big procession.

The official program announced an oration by "General" John C. Spooner, that being the title of his military office. It was his first appearance as a public speaker on an important occasion, and practically the entire city came out to hear and see him. The address, though brief, was patriotic and inspiring, and eloquently delivered. The newspapers praised it and accorded the unusual compliment of a place in full in their columns.

If Mr. Spooner had not later achieved so much greater fame, that address of 1868, when he was but a boy of twenty-five, would be considered, as in fact it is, a remarkable effort. The opening sentence was: "In this land of ours, God has crowded the glories of a century into the achievements of a decade."

In the several responsible and honorable positions so swiftly crowded upon him, Mr. Spooner acquitted himself with conspicuous energy and ability. But his father, one of the seers and prophets of the profession, feared that the peculiar influence of public service might draw his son away from the law and into politics, and advised him at once to cut loose from office and devote himself exclusively to his profession.

Therefore, in 1870, at the age of twenty-seven, he removed to Hudson, Wisconsin, and entered into partnership with H. C. Baker. There he sprang quickly into prominence as a citizen and lawyer, enjoying from the first a large and desirable general practice, in which for eleven years he argued and tried a great number of causes in the courts of many counties of that region and in the supreme court.

To Mr. Spooner the legal business of the West Wisconsin Railway Company was intrusted; also that of the North Wisconsin. His energy and decisiveness, together with great natural legal ability and aptitude for railroad litigation, very soon led to his appointment as general counsel for those roads, which position he held until the lines were merged into the Chicago, St. Paul, Minneapolis & Omaha, of which he was also elected and continued general counsel until May 5, 1884, on which day he resigned because the Vanderbilts, having secured control of the road, required him to bring what he told them was an unjust and unfounded suit for \$1,200,000 against Messrs. Flower, Dows, and Porter, stockholders in the corporation, and his clients and friends.

The new directorate, in session in New York at the time, used every means to induce him to remain as general counsel, offering him power to fix his own salary and the privilege of remaining out of the case which he was refusing to bring. He not only would not entertain their propositions, but told the directors that he should defend Porter, Dows, and Flower. His resignation was, therefore, accepted and the suit, in his hands for the defense, was entirely defeated.

This action was new proof of the high notions Mr. Spooner entertained of professional honor and of personal friendship, for he left the Omaha with feelings of the keenest regret. He had helped to create and build up the great corporation; he knew its history, workings and employés; he liked that branch of his profession; his associates were congenial and he could have had any salary he might have asked. Nevertheless, he did not hesitate a moment between these considerations and what he considered professional honor and personal friendship. And thus, and not to become a candidate for the United States senate, as has been alleged, he left the Omaha.

From 1881 to May 5, 1884, Mr. Spooner devoted himself almost entirely to the business of the railroad company, which by consolidation had come to control about 1,800 miles of road, extending through Wisconsin, Minnesota, and Iowa into Nebraska and Dakota. He had sole charge of all their legal business, which was extensive and important.

An old citizen of Hudson said during Mr. Spooner's campaign for the governorship: "I never knew a harder student and worker than John was, from 1872 to 1884. It was a usual thing to see the light burning in his office until way into the night. His activity and energy in the preparation and trial of causes were phenomenal, and he was a quick worker then, as he is now. He seemed to have no ambition but in the law."

Immediately after settling at Hudson, Mr. Spooner became connected with a case in which he made a national reputation among railroad managers, judges, and attorneys. It may be found in 21 Wallace as *Schulenberg vs. Harriman*. General Harriman, as State timber agent, had seized Schulenberg's logs, cut on lands granted by Congress in trust to Wisconsin for what is now the Chicago, St. Paul, Minneapolis and Omaha Railway. The entire line of road was not built within

the limit of time fixed by the grant, and Schulenberg's attorneys claimed that the grant had therefore been forfeited and that neither the land nor the logs cut therefrom belonged to or were under control of the State.

Mr. Spooner contended, in the United States circuit court before Justice Miller and Judge Dillon, that the failure of the grantee to construct the road within the time fixed by the grant could have no effect on the grant itself, but that forfeiture or reversion could only work through judicial proceedings held for that purpose or by means of an act of Congress forfeiting it in exact terms, or making other appropriation of it. The lower courts held for Mr. Spooner. The case, however, was appealed to the United States supreme court, where he participated in the oral argument and filed a brief and where, Justice Field delivering the unanimous decision of the bench, the judgment of the circuit judges was fully sustained, thus establishing for the first time in this country the principle or theory that the failure of any railway corporation to comply with the conditions subsequent of a land grant which it may be attempting to earn, does not operate as a reversion or forfeiture of the grant; but that such forfeiture can come only through a specific act of the authority first making the concession, viz., Congress.

To the great empire of the Northwest this suit was most important in its results. But few land-grant railways were or could be completed within the periods named in the grants. What are now trunk lines had been partially built but were dead or in doubt or uncertainty, and their promoters discouraged and frequently bankrupt because the generally accepted theory and the rule of the departments then was, that a line not completed within the time named in the act making the grant had forfeited the grant itself, or at least the unpatented portion of it.

This decision therefore put new life and progress into the great Northwest. Projected lines were resumed and completed; magnificent new territory was opened to settlement and industrial development; new cities and towns sprang into life and activity; in short the wilderness was made to blossom as the rose; civilization was carried forward in giant strides and the entire nation was strengthened and enriched.

He was not thirty years of age when he made the defense in this famous cause; and the victory was all the greater because, shortly before, Attorney General Williams had written an official opinion holding that non-performance of the terms of a land grant operated as a reversion of the grant, and the departments and the railroads were acting on that theory. He was employed by Governor Washburn to appear before the supreme court in the cause, to receive \$1,000 if he won, but if he failed nothing,—so little faith had leading attorneys and officials in the success of his theory.

In the fall of 1871, after having resided at Hudson only a little more than a year, Mr. Spooner was nominated for the legislature, and of course elected, taking his seat the following January. He asked to be placed on two committees only,—Education and Railroads. He took a very prominent part in legislation, especially in passing laws to straighten out muddles in taxation, court records, and land titles. But his most conspicuous service was in behalf of the State University, drafting, presenting and urging to final passage a bill to levy a general State tax to be added annually forever to the university fund income. This established the precedent, since followed, of a direct tax in support of the university, and was the foundation and beginning of the splendid career of prosperity, growth, and strength of that great institution, following upon a period of weakness and inanition.

As a partial recognition of this everlasting service Mr. Spooner was made a regent of the university in 1882, serving until February, 1884, enthusiastically and effectively. In this connection it is proper to record also that in 1869 the degrees of Ph.D. and A.M., and in 1894 the degree of LL. D., were conferred upon him by his *alma mater*.

This single term in the legislature ended Mr. Spooner's connection with politics—except to take the stump when called upon (which generally was in every campaign), and to attend conventions when any of his friends were candidates for office—until his election to the senate in January, 1885. He devoted himself with ceaseless intensity to his profession, carrying on a very large general practice in addition to his labors as general counsel for the railway company, winning many important victories, and accumulating a comfortable competence and building an ample and attractive home.

The Blaine-Cleveland contest, following his resignation from all connection with the Omaha, is memorable as one of heat and ability. Mr. Spooner, opening the campaign in Milwaukee, canvassed the entire State, adding many laurels to his already well-established reputation for brilliant and effective oratory. His speech at the Logan reception in Madison was particularly admired, and made of the great Illinois soldier a warm and substantial friend. His tour was a perpetual ovation, but the speech of all speeches, and the ovation of all ovations, was in the Robbins' circus tent at

Janesville, making of the old, wealthy and populous counties of Rock and Walworth the most devoted and aggressive friends and followers and the corner-stones of his future political successes.

But in November Blaine was defeated, and the Republican party generally was thrown into a state of discouragement. A Republican majority in the Wisconsin legislature had been elected, however, and a successor to Angus Cameron in the United States senate was to be chosen. There had been several distinguished candidates before the people, among them William T. Price and General Lucius Fairchild. They were men of high standing and conspicuous services, but they were old in the public eye, and their candidacy, it was alleged, could arouse no new element of strength. The more progressive members felt that the waning fortunes of the party demanded a return to the aggressive methods and militant spirit of 1854, with younger, fresher leaders, who must also be men of the highest character and ability.

It was urged that John C. Spooner admirably met the required qualifications. After considerable consultation, brushing away his own objections that he was "too young for a 'grave and reverend senator,'" he consented to be a candidate. Then, before any public announcement whatever had been made, a complete plan of campaign was perfected by his friends. From all co-workers he exacted a promise that there should be no unkind or disrespectful word in speech or newspaper article uttered against General Fairchild or the other candidates. The claim put forth was merely that the ablest and bravest of the younger generation must unite in an heroic effort, or the Republican party would lose power that could not be regained perhaps for generations, and that their choice was John C. Spooner.

Newspapers throughout the State declared enthusiastically for him on the ground that the State should be represented in the senate by an aggressive, able, eloquent and resourceful debater who could cope with the Democratic leaders and successfully defend on the floor of the senate the principles of the Republican party.

The man and the argument so well fitted the occasion and took so well with the people, that the favoring tide set in full and strong, and, especially after the defeat of Blaine in November, continued to increase in force until January 28, 1885, when Mr. Spooner was elected, receiving seventy-six Republican votes to forty-eight Democratic votes for General E. S. Bragg. He had forty-nine votes on the first ballot in the Republican caucus, which insured his election. His speech, on being brought before the caucus, was more than anything else a tribute to the worth and services of his opponents, and especially of General Fairchild, and made the support of those opponents thereafter hearty and practically unanimous. In closing, he declared: "If elected I shall devote all the strength and vigor which God has given me to the people of Wisconsin and our common country." And thus he was chosen, although he had spent but eighteen hours with the legislature in Madison during the senatorial campaign,—to make an address of thanks to the caucus for the nomination, and personally to greet the members, many of whom he there met for the first time. His election left absolutely no sores in his party.

The senate of which he now became a member was one not only of ability but appreciative of ability. His reputation as an orator and jurist of wide attainments had preceded him, and the older senators were prepared at once to accord to him the place usually attained, if ever, only after several years of hard work and honorable service.

He was placed upon the committees on Privileges and Elections, District of Columbia, Public Buildings and Grounds, Epidemic Diseases, and on Claims. Of the last, with its vast labors and responsibilities and investigations extending back through the war of the Rebellion, the Mexican and Florida wars, the war of 1812 and the Revolution to the foundation of the government, he was made chairman, and in that position, it is said, by indefatigable labors, saved the government more than \$30,000,000.

Mr. Spooner's first speech in the senate was on the death of Vice-President Hendricks, a life-long friend of his father's. It was both in style and matter an innovation,—a beautiful tribute to the dead Indianian's personal qualities, delivered with a tenderness seldom heard in the senate chamber, combined with a bold analysis of political beliefs made without a tinge of bias or partizanship. The speech commanded the widest attention, and was quite generally re-published, establishing in new places, and especially in the senate, the speaker's reputation for audacity and originality of conception, for versatility of oratory, and for clearness, incisiveness, and elegance of diction.

Among his really great speeches, in respect of judicial learning, was one in defense of the senate on the "Relations between the Senate and the Executive Departments," brought out by the attorney-general's refusal to comply with a request to send public papers and documents from his office. It was from the standpoint of a lawyer, covering the entire subject from the foundation of

the government, and made an indelible impression. Another, on the provisions of the inter-State commerce bill generally but particularly favoring a clause to enable railways to make rates on goods for export in conjunction with ocean steamship lines independent of domestic rates, attracted the attention and favor everywhere of railways, shippers and manufacturers. His complete mastery of railway laws and railway business, by actual experience, made his views almost an authority in the senate, and aided materially in eliminating crudities and impracticabilities from legislation affecting transportation.

A speech delivered on April 16, 1888, on the admission of South Dakota, gave to Mr. Spooner greater satisfaction than any other effort of his career in the senate. He had as a soldier been stationed in and marched over Dakota Territory when its only inhabitants north of Yankton were buffaloes and Indians. Many early friends and clients had settled on those vast prairies, and he had with absorbing interest watched the labor of developing that rich section into a powerful, energetic and intelligent community. His heart was in the address, and he pleaded with singular power and eloquence for the admission of the bright and growing young State.

It was during this debate that Senator Butler objected to Dakota "trying to break into the Union," whereupon Mr. Spooner quickly retorted that Dakota certainly had as much inherent right to try to "break in" as South Carolina (Butler's State) had to try to "break out" of the Union. That settled interruptions from that quarter.

The only time in the senate Mr. Spooner felt called upon to make what might be termed a political address was after Joseph Hoffman had been shot and killed at Brenham, for testifying before the senate committee on Privileges and Elections during the investigation into the political outrages in Washington county, Texas. While temperate in form and free from mere denunciation, it was nevertheless a terrible arraignment of those who were responsible for, as well as those who on the floor of the senate justified and defended, that frightful crime, and created a great sensation. It made a lasting impression and so revealed Mr. Spooner to the senators from the South that he was never again stirred up on that question.

One of his most elaborate and carefully prepared addresses was delivered against the Blair educational bill, a measure he voted for on first entering the senate, but which, on fuller investigation, he was compelled to oppose. Other speeches had been upon legal, constitutional or national questions, but this dealt purely with social economy, domestic statecraft, and required a careful and comprehensive understanding of the financial, educational and moral conditions in every State of the Union as well as a dispassionate analysis and presentation of them. The bill, which proposed to raise about \$80,000,000, mostly in the North and expend it mostly in the South for educational purposes during a period of eight years, had been before Congress several years and would probably have become a law if it had not been for the speech in question. His picture of the post-Rebellion development and progress of the Southern States was the most comprehensive and appreciative ever heard in the chamber, and his conception of the evils that might grow out of such extreme paternalism carried conviction to a majority of the senate.

On September 8, 1890, Mr. Spooner spoke in favor of placing sugar on the free list because it was a necessity of life down to the poorest cabin, and because the domestic product was less than one-eighth of the amount consumed. He also favored, by a speech full of patriotism, legal argument and eloquence, reciprocity as to articles wanted but not made or produced in the United States when made or produced and for sale in another country, and *vice versa*, and also advocated a tariff on iron, tin, wool and lumber.

When the reciprocity clauses of the McKinley bill, which he had thus advocated, were sustained by the supreme court of the United States, the New York Tribune said that the counsel for the government added nothing in argument, law, or illustration to what Mr. Spooner brought forward in his advocacy of the measure in the senate.

A brief speech that sent a thrill through the North was delivered by Mr. Spooner on January 28, 1890, on what was technically known as the Fanz case. Secretary of War Redfield Proctor had not ordered the flag lowered to half-mast on the death of Jefferson Davis, who served as secretary of war before the Rebellion, and the "best citizens" of Aberdeen, Mississippi, hanged him in a wretched effigy, across which was this placard: "Red. Proctor, Traitor." J. E. Fanz, a native of Indiana and a mechanic, aged only twenty-one, while assisting to raise the effigy, accidentally dropped the rope. For this he was brutally and terribly beaten, receiving about 200 lashes, and a resolution was presented in the senate for an investigation into the matter. Mr. Spooner's speech on that resolution was widely published, creating a sensation North as well as South.

To the masses of his party and to all fair-minded men one of his last was one of his greatest efforts in the senate—in the same general direction—the formal speech on the Federal elections

bill, made December 20, 1890, in which by a really marvelous digest of the political crimes committed in the South since the Rebellion, he found substantial reasons for enacting what was falsely called the "force bill," proving that "wrongs do not leave off where they begin but still beget new mischiefs in their course." During the first hour of its delivery there were numerous interruptions by Democrats from the South for the purpose of breaking the force of the speech, but the fire they drew was so disastrous and increased so steadily in destructiveness as the speaker got deeper into his subject, that the entire skirmish line was hastily withdrawn, leaving Mr. Spooner (almost unprecedented in a debate of this character) in undisturbed possession of the floor before a great audience in the galleries and a full senate who listened to one of the most profound orations ever delivered in that chamber on that or a kindred subject.

Mr. Spooner made many other addresses and running-debate speeches in the senate—on Irrigation, the Effect of Free Trade upon the Industries of Great Britain, Mortgage Indebtedness, Admission of the Montana senators (successfully leading the fight in their behalf), District of Columbia affairs, the eight-hour law (favoring it), the Columbian Exposition, etc., etc.,—taking rank for clearness, force, fearlessness, fairness, and effectiveness second to none. He never read a speech in the senate; all were extemporaneous.

Personally, Mr. Spooner was very popular in the senate, both sides of the chamber contributing equally to cordial associations and sincere friendships.

When he retired from the senate, the members of the Committee on Claims tendered to him one of the finest banquets ever given in Washington, attended by the president and members of his cabinet, the vice-president and many other distinguished persons. The speeches in honor of the guest, especially those by Messrs. Evarts, Hoar, and Hale, and the leading Democrats, were of the most complimentary character, lauding him as a senator, lawyer, and man of great ability, fairness, and integrity. It was a demonstration of honor, friendship, and respect accorded under similar circumstances to no other senator.

He nominated General Rusk at Chicago in 1888, seconded the nomination of Harrison at Minneapolis, and was urgently requested by the president in person to take charge of the national campaign of 1892, but declined.

Returning to Wisconsin at the end of his term in the senate, he soon after moved from Hudson back to Madison, in order to be near his younger sons while they passed through the Wisconsin University, and, forming the partnership of Spooner, Sanborn & Kerr, resumed at once the practice of his profession, important cases rolling in as though there had been no interregnum.

Burdened as he was by work, he still found or made time to serve the interests of his party and the people. In this direction, in what are known as the gerrymander cases, his labor and genius added materially to the cause of public justice and gained great advantages for his party, besides recording a new and important chapter in the history of jurisprudence.

The Wisconsin legislature of 1890, being Democratic, apportioned the State into new senate and assembly districts. By the Republicans it was alleged that this apportionment was unequal and unjust as well as void, in that it did not follow the unit of population fixed as the basis on which it was made.

Suits to have the act of apportionment set aside were begun. The form of the suit was decided, the papers in the first case were drawn, and the great argument as to jurisdiction was made by Mr. Spooner, as was also the argument on the unconstitutionality of the act. The suits involved an entirely new proposition, to entertain which was held by some to be a dangerous invasion by the courts of the rights and prerogatives of the legislature, a co-ordinate branch of government.

However, the supreme court unanimously assumed original jurisdiction on the relation of a citizen, heard the case on its merits, and held the act unconstitutional and invalid on the grounds set forth by Mr. Spooner. The learned justices regarded the cause as the most important that had occupied their attention, and three of them filed separate opinions, as if to so magnify and pile up the judgment of the court as to forever prevent the making of another gerrymander, which they held to be "an invasion of the rights and liberties of the people."

The apportionment having been set aside, Governor Peck called a special session of the legislature to enact another, which was supposed to have been accomplished in July, 1892. But as this second act had been made in disregard and defiance of the unanimous opinion of the supreme court, a new suit was brought (C. F. Lamb, relator), asking the court to grant a writ enjoining forever the secretary of State from issuing under it the notices of election. In this case the attorney-general (O'Connor) refused to appear or to give his consent to the suit. The court gave him twenty days in which to appear. At the end of that time, the attorney-general still refusing to take part

or give his official assent, the court again assumed jurisdiction for the purpose of hearing the case on its merits. The questions were, whether the relator Lamb had a right to bring the suit, the attorney-general having refused to assent thereto, and whether the law in question was unconstitutional.

On these two vital points Mr. Spooner made a great argument, closing the case for the relators, although in the midst of an exciting campaign.

Again the court adopted his view and held that it had original jurisdiction and again set aside the act of apportionment as unconstitutional and void, forcing Governor Peck to call a second special session of the legislature to divide the State, for the third time, into senate and assembly districts. In one case General E. S. Bragg, and in the other Senator W. F. Vilas, were opposing counsel.

Undoubtedly the greatest specific service any Wisconsin Republican ever rendered to his party was that in these gerrymander contests; but they were hardly cleared from the board before new sacrifices came on. In 1888 W. D. Hoard was elected governor. During his incumbency he brought into politics a new issue that alienated a great number of Republican voters, so that when he came before the people in 1890 for re-election he was defeated by about 30,000, whereas he had been chosen two years before by a majority of 20,273. In his defeat he carried the legislature down with him, and a Democrat, William F. Vilas, was elected to succeed Mr. Spooner in the United States senate in January, 1891.

This was the first time since the formation of the Republican party that a Democrat had represented the State in the United States senate, and the Republican leaders were disheartened. When, therefore, it again came time to present a candidate for governor, although all the delegates chosen to the convention were pledged to other candidates, it was decided that Mr. Spooner could poll more votes than any other man in the party and that he must run. He protested that the office was not one to his liking; that as a matter of choice he would not accept if the position could be tendered to him without an election, and he hoped the nomination would be given to one of the several gentlemen who really wanted and were seeking it. Objections and protests were alike unheeded and he was unanimously nominated, no other votes being cast in the convention. Being thus commanded by the party which had honored him, he was forced to accept.

Knowing the improbability of overturning a majority of 30,000 at a single election, he nevertheless entered into the unequal contest with vigor and carried on the most brilliant and masterly campaign in the history of the State. Enthusiastic crowds flocked to hear him everywhere. He traveled literally night and day by railway, stage and private conveyance; delivered frequently two speeches a day—one in the afternoon at one place, and another elsewhere in the evening.

He was, as he expected to be, defeated, but he ran ahead of the party ticket and brought Governor Peck's majority of thirty thousand in 1890 down to a plurality of seven thousand seven hundred in 1892. The campaign, however, was such a serious strain upon him that for more than a year he did not recover from its effects.

So far as oratory is concerned, he has never accomplished anything more brilliant and effective than scores of the speeches of this contest. At Hurley, in the heart of the great Bessemer iron district, where thousands of miners were his listeners, he declared that within a year, if the Democratic party should elect its candidates and carry out the tariff pledges of its platform, the mines would be closed and the men before him walking the streets in idleness and calling upon the public for food and clothing for themselves and their children.

His prophecy was fulfilled with terrifying exactitude, Governor Peck of Wisconsin and Governor Rich of Michigan being obliged for months in the winter of 1893-4 to send food, clothing and money to keep starvation from the doors of thousands of miners formerly employed in the prosperous Gogebic ore pits, now closed and idle.

It was a startling prophecy, startlingly fulfilled, and one which, with its author, will never be forgotten in the Lake Superior iron districts.

In addition to the matters more specifically referred to he has made numerous speeches and addresses and taken part on the stump in every campaign of his party for a quarter of a century, frequently lending his services also to other states. He made the oration dedicating the Wisconsin monument at Gettysburg, and also that dedicating the soldiers' monument at Sheboygan, besides Decoration Day addresses at Eau Claire, Menomonie, and elsewhere, as well as the first and last at Madison—1868 and 1894; and memorial addresses on Messrs. Hendricks, Rankin, Price and Logan and many tributes of respect to deceased members of the bar. He formally opened the Republican campaign of 1894 by a speech covering the entire range of topics, national and State, at one of the largest meetings ever held in Milwaukee, and followed it with speeches elsewhere in the State, being received with greater enthusiasm and approbation than ever, thus proving the tenacity of his hold upon the people.

It has always been the fact that in the numberless speeches, debates and addresses of an intensely busy career of twenty-five years, no matter what the provocation, he never made reckless or unfounded charges or insinuations, or descended to personal attacks or retorts intended to wound the heart or carry sorrow to the home of any opponent. It cannot be said of him that he has ever sought to build himself up by pulling any other man down.

Besides great capacity for analysis, reason, and logic, incisive clearness and strength of statement, wonderful versatility of diction, resources, and courage, genuine earnestness of manner (making every cause his own) and impulsive tenderness of sentiment, all combining into an irresistible power to convince, there is, as there has been for generations in the family, a touch of the tragic and heroic in Mr. Spooner's make-up. It was plainly noticeable in his school and college days; in the manner of his enlistment; in the speech at the death of Mr. Hendricks; in his conduct while the Federal elections bill and Texas outrages investigation were pending; in the gerrymander suits—in fact, in everywhere adopting or defending what he believed to be the right and for the interests of the people regardless of political or personal consequences.

This family trait of mingled patriotism and heroism, as conspicuous in John C. as in any of the Spooners, was fairly illustrated by General Ben. Spooner of Indiana who, though dying fifteen years after the Rebellion, in the intensity of his devotion to his country requested to be buried in a shroud of the stars and stripes. Also by Lysander Spooner of Massachusetts who, believing the government had no constitutional right to monopolize mail-carrying on the basis then in vogue (charging $12\frac{1}{2}$ cents for a letter from Boston to New York and 25 cents to Washington), inaugurated private post routes which transported mail from Boston to New York and elsewhere at the uniform charge of 5 cents, and made money.

The Federal authorities attacked him and his agents, arresting and jailing them everywhere possible; but he, nevertheless, continued until there was a public sentiment which compelled Congress to make a substantial reduction in the rates of postage and to adopt a uniform charge without regard to distance,—a gallant but unsupported fight, whose endless benefits can neither be stated nor fully realized,—a real Spoonerism, and just what John C. did in the gerrymander cases and other matters.

Another family trait, quite conspicuous in his father, is utter obliviousness to personal fame or glory. Both always declined to give facts necessary for biographical or personal matter for publication, and John C., refusing to furnish information for this sketch, forced its preparation without his aid or suggestion.

On September 10, 1868, Mr. Spooner was married to Miss Annie E. Main, of Madison, a woman of great musical talent and fine education. They have had four sons. John C. died in 1881, aged six. The living are Charles Philip, aged twenty-six, a graduate of Princeton and of the law school of the University of Wisconsin, and a member of his father's firm; Willet Main, aged twenty-two, a graduate of the University of Wisconsin, and a member now of its law school; and Philip L., aged fifteen, a boy of remarkable talents.

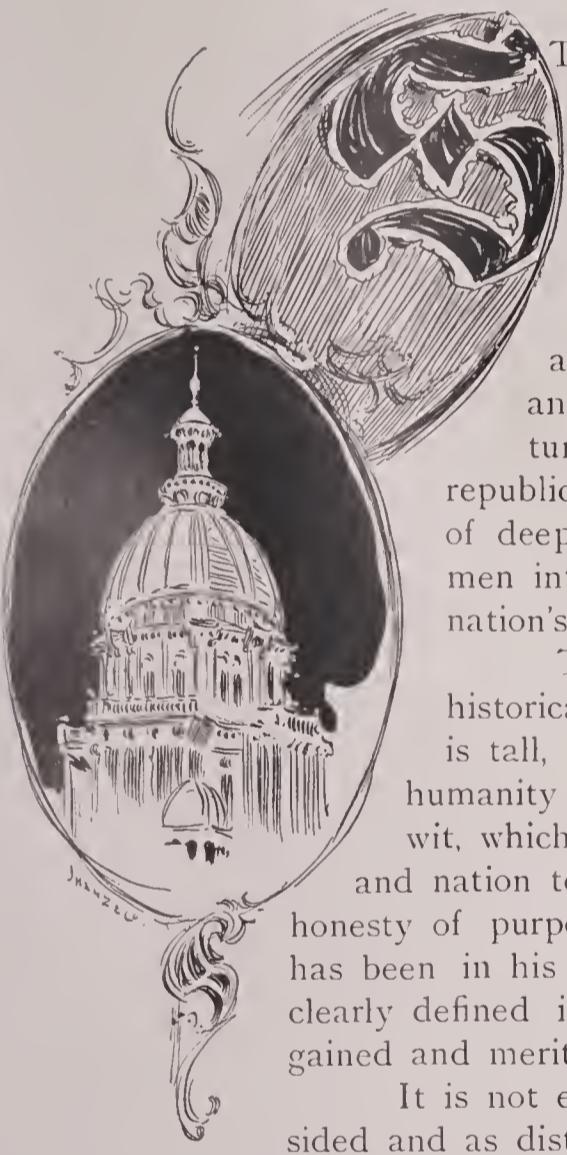
In his profession, an indefatigable worker; in habits, modest and absolutely temperate and clean; in politics, brave and liberal; in statesmanship, capable, patriotic, fearless and prophetic; to the public and to adversaries, courteous, dignified, kindly and respectful; in personal intercourse frank and attractive; and to poor clients, not only generous but a guardian without money and without price,—he is well entitled to all the honors that have been showered upon him.

But it is not easy to do justice to Mr. Spooner's attributes in a few brief sentences. While his lofty conception of the ethics and honor of his profession and his uniform consideration and courtesy in debate, court arguments, and public speaking have made him an acknowledged model, after all only those who have seen him in the sacred precincts of the home—at his own ample and hospitable fireside—really know the man. There, as youthful in heart and spirits as in appearance, he is a boy with his boys, a lover with his wife and a free and happy entertainer with his friends.

He is living at Madison and carrying, with his customary energy, industry, ingenuity, and ability, the burden of a great practice, and during 1894, between the pressure of many courts and clients, found time also, as has been stated, to energetically lead in the campaign of his party.

SHELBY M. CULLOM,

SPRINGFIELD, ILLINOIS.



STANDING at the head of the striking group of men who have figured most conspicuously in the history of our nation is the martyred Lincoln, whose hand set ajar the gruesome door which offered barrier to the progress of Freedom. Her garments, smirched and bedraggled by contact with human slavery, swept dishonor in their train until the weary path was thus made clear by the act of one whose executive courage was that of his conviction that to all men must be accorded those rights inalienable in the sight of justice,—life, liberty and the pursuit of happiness. This group is one to which we may well turn in admiration and veneration as representative of the truest type of republican simplicity and honor,—men of homely virtue, of indomitable courage, of deepest patriotism, of rugged honesty, and of strongest moral principle; men into whose keeping could be safely entrusted the nation's honor and the nation's welfare.

There can enter no element of incongruity in classifying with this sturdy historical group the subject of this review, Shelby Moore Cullom. "Mr. Cullom is tall, wiry in figure, and in mind is possessed of that broad conception of humanity and of intellectual qualities, including a wholesome humor and radiant wit, which were attributes of Lincoln;" and he has rendered service to the State and nation to the fullest extent of his power: his labors have been unsparing, his honesty of purpose beyond cavil. The reflex of the high honors conferred upon him has been in his honoring the same, and there can be no modicum of doubt that it is clearly defined in the province of this work to pay fitting honor to one who has both gained and merited this.

It is not easy to adequately describe a man who must of necessity be as many-sided and as distinct in character as he who has accomplished so much; and the limitations of this article are such as to give only a cursory glance at the individuality and the labors of the man,—not permitting of extended genealogical research or critical analysis of character.

The parents of Shelby M. Cullom, Richard Northcraft and Elizabeth (Coffey) Cullom, were both of Southern origin, the former having been born in Maryland and the latter in North Carolina. The parents of both removed from their respective States to Kentucky, where in the course of time was consummated the marriage of our subject's parents. The Cullom family had its origin in Scotland and its predominating characteristics, transmitted through one generation after another, were a strong and rugged physical constitution, sturdy rectitude of character and a willingness and capacity for labor. In this connection it is interesting to note that the father and the five brothers of our subject were each over six feet in height,—men who possessed sound minds and sound bodies. His grandfather Cullom died at the age of sixty-one or sixty-two, but his grandmother lived to record in her days the lapse of nearly an entire century. The maternal ancestry was also one notable for longevity. Hon. Alvin Cullom and Hon. William Cullom, brothers of Richard N., were both prominent lawyers in Tennessee, the former having been for many years a judge on the bench and for a time a member of the lower house of Congress; while the latter became attorney-general



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of the State and subsequently a member of Congress and clerk of the House of Representatives; he is still living, having attained the venerable age of eighty-five years and standing as the only surviving representative of the original family. The name of Cullom, in both its lineal and collateral ramifications, has ever been synonymous with strength, energy, courage and ability, and representatives of the family have in turn emerged from obscurity to occupy positions of high public honor. Thus it would seem that our subject has gained prestige by heredity as well as having won it through his personal endeavors. He is one of not a few of the men of the Cullom stock who has attained to distinguished position in public life.

Shelby M. Cullom was born in Wayne county, Kentucky, November 22, 1829, and within the following year his parents removed to Illinois, settling in Tazewell county, where they passed the residue of their days and where they now sleep the sleep of the just. The father, Richard Northcraft Cullom, was for many years a leading citizen of Illinois and was well known by all the prominent men of his time throughout the State. He was a member of the State legislature several times and was a close friend of Abraham Lincoln, Stephen T. Logan, John T. Stuart, Benjamin S. Edwards and other representative Whig politicians and lawyers, his identification with the old Whig party being a very active and intimate one from the time of its inception.

The son of a farmer, our subject became early accustomed to the hardy but plain fare and the laborious duties attaching to farm life, the discipline being a valuable one during the formative period of his life; for those who live in so close sympathy with nature can scarce fail to absorb from her a spirit of honesty, can scarce fail to come to a realization of the fact that, in all fields of endeavor, seedtime and harvest maintain their regular alternation, and that the harvest, with its valued aftermath, comes alone to those who have labored for its securing. Young Shelby did his share of all kinds of farm work, making a full hand in the harvest and hay fields, at feeding cattle, clearing land, splitting rails, etc. In those days educational facilities in the newer Western States were very limited in scope. Young Cullom had early in life decided to adopt the law as his chosen profession and so realized the necessity of a broader and more liberal education than the country schools afforded. His ambition and determination soon led him to the practical consultation of ways and means; he prevailed upon his father to lend him a team of oxen and a plow, and with this primitive equipment he began the battle of life on his own responsibility, engaging for several months in breaking prairie at two dollars per acre. He then taught a country school for six months, at a salary of eighteen dollars per month for the first three months and at twenty dollars for the remaining three. The money thus earned enabled him to attend school at Rock River Seminary, Illinois, for two years. He was a hard and assiduous student, and the magnificent physical strength which he had attained by following the plow and swinging the ax came into great use as the mental portion of his system was called upon for its most vigorous work. After returning from school he went to that city which was to figure as his future home, Springfield, Illinois, and there began the study of law, entering the office of Messrs. Stuart & Edwards, who constituted one of the strongest and best known law firms of that place and period, each of the members being a personal friend of the young student's father.

In 1855, two years after he began his legal studies, Mr. Cullom was admitted to the bar and immediately thereafter came to him his first official preferment, that of city attorney of Springfield. It was a year of excitement on the temperance question; the city had passed ordinances prohibiting the sale of liquor, and young Cullom did all in his power to enforce the laws, proving quite successful in his prosecutions. He soon, however, entered upon a broader field of practice, finding in the circuit court a higher plane for the exercise of his talents, and meeting here, as antagonists, some of the foremost practitioners of the day. As a lawyer his presentation of a case was always logical and concise. His object was to explain and not to clothe with doubt; to convince rather than to overwhelm with flights of oratory. In judgment he showed himself to be keen and accurate, with that judicial ability which implied intuitive wisdom. He is a man of inflexible principles and has never been known to sacrifice what he considers right to any rule of expediency. He soon gained a lucrative practice, and had he seen fit to remain in private life he might to-day have been counted among the men of wealth instead of as one who has in a measure sacrificed personal ambition for the purpose of rendering service to the public.

In 1856 he was nominated and elected a member of the House of Representatives in the State legislature, was re-elected in 1860 and was chosen speaker. Cullom had always been strongly arrayed in the support of the Republican party, but his second election came, notwithstanding the differences in political creed between himself and a majority of his constituents in Sangamon county, thus showing that his services as a legislator had been appreciated and that as a man he was held in highest estimation. At the election in 1860 the county gave the Douglas electors a small majority, but

such was Cullom's personal popularity that he was elected to the house by a majority of sixty-two votes. The Republicans being now, for the first time, in the majority in the legislature, and his pronounced eligibility being admitted, he was chosen speaker and upon him fell the honor of being the youngest man upon whom this responsible position has been conferred in the State. In 1862 President Lincoln, who was a warm personal friend of our subject, appointed him, in connection with Governor Boutwell of Massachusetts and Charles A. Dana of New York, a commissioner to pass upon the accounts of quartermasters and commissary officers,—a trust of more importance than is indicated by a superficial glance and one which demanded the exercise of discriminating care and sound judgment. The able report which was in due time presented shows the care and fidelity with which the incidental duties were performed. In the same year Mr. Cullom was prevailed upon to become a candidate for the State senate, but the feeling in his county was so intense at this crucial period and so opposed to the war that naturally, as the representative of a party pledged to its prosecution, he was defeated. In 1864 he was elected by the Republicans of the old Eighth district for representative in the popular branch of Congress, his opponent being one of his former preceptors, Hon. John T. Stuart. Two years later he was re-elected to the same office, and again in 1868, on which occasion he found as his antagonist Hon. Benjamin S. Edwards, his other preceptor, who likewise met defeat at the hands of his former protégé. Mr. Cullom entered into the national Congress during that interesting period of reconstruction when the best thoughts of the ablest men of the country were brought into constant requisition in the effort to effect a solution of the many perplexing questions that presented themselves. The official records attest the fact that he was an active and aggressive member, ever assuming his full share in the debates, the while maintaining a conservative attitude, with decisive opinions adequately fortified. Within his last term in the house he was made chairman of the committee on Territories, and prepared a bill for the suppression of polygamy in Utah Territory, which passed the house but failed in the senate. This bill, which provided stringent measures for the suppression of that practice which constituted a foul blot on our national escutcheon, became the practical basis of subsequent legislation, the enforcement of which has effaced the dark spot and destroyed the institution of polygamy.

After returning from Congress Mr. Cullom was urged by his neighbors and friends in Sangamon county to consent once more to enter the State legislature and thus to aid in insuring what was deemed a very imperative measure,—the revision of the laws of the State,—and also to lend his effective co-operation in retaining the capital at Springfield, a spirited contest for its removal having been in progress for several years. He consented to become a candidate and was again elected to the lower house in 1872, and was once more chosen speaker by his party colleagues, who were in the majority. Nothing further was heard of the project for the removal of the capital, and the legislature undertook and completed the most effective revision of the laws that has perhaps ever been made in the State. In 1874 our subject was for the fourth time elected representative of his county in the assembly and became the choice of his party for speaker, but was defeated, owing to a successful combination between the Democratic and Independent members of the house. This assembly became notorious as the "Haines legislature," which has passed into history as the worst the State ever had.

It was at this juncture that the friends of Mr. Cullom began to put forward his name in connection with the candidacy for governor of the State,—a position for which he was admirably fitted, by reason of his distinctive ability and his wide experience in public affairs. In 1876, accordingly, he received the nomination at the Republican State convention and was elected as governor over the combined forces of the Democrats and Independents, the same coalition which had the year before defeated him for the speakership. His administration as governor of the great commonwealth of Illinois was highly satisfactory to the people of the State, whose affairs were never in better condition than when he retired from office. At the end of his term not a word could be urged against his executive policy, even by his political adversaries, and he was elected to serve a second consecutive term,—the first instance of the sort in the history of the State. Within the period of his administration the last of the State debt, which had hung over the State from its early history, was paid, as an example of the economic and judicious policies which the executive had insisted upon.

In March, 1883, by the expiration of the term of United States Senator David Davis, there came up the matter of electing his successor, and though Governor Cullom was at this time but half way through his second term the Republican caucus of the Thirty-third General Assembly nominated him to represent the State in the national senate and he was duly elected,—a fitting recognition of meritorious services rendered the State in various capacities. Mr. Cullom resigned his office as governor in February, 1883, and his career as senator began March 4th of the same year. At

the expiration of his first term, in 1889, he was re-elected, and in January, 1895, he was again elected, for a third term, which expires March 4, 1901. No public officer has been more faithful to public duty. In whatever position he has been placed he has been a man of work,—one who has had no idle moments.

As senator it is said that, before he took his seat, he determined to do all in his power to accomplish three things: first, to prevail on the government to construct the waterway known as the Hennepin canal, commencing at or near Rock Island, on the Mississippi river, and terminating at Hennepin, on the Illinois river, thereby connecting the upper Mississippi river with the Great Lakes at Chicago; second, to bend every effort to carry forward to successful issue that endeavor which had enlisted his attention while a member of the lower house,—the abolition of polygamy in Utah; and third, to vitalize the commercial clause of the constitution by an act of Congress, "regulating commerce among the several States," etc., etc. What better criticism of his efforts can be offered than this: polygamy has been obliterated and Utah has been admitted into the Union as a State; the Hennepin canal is being constructed; and an act of Congress was passed in 1887 known as the Cullom act, "regulating commerce among the several States."

It is in connection with the last and most important measure of this notable list that Senator Cullom has become most distinguished as a legislator. He was at the head of a committee which made an exhaustive investigation of the condition of inter-State commerce as conducted by the common carriers of the country and which finally brought about the passage of the act already mentioned. This, the Cullom act, which was approved in 1887, is regarded by very many of the ablest men of the country as the most important measure which has been enacted since the close of the war.

While governor of Illinois Mr. Cullom did all in his power to regulate commerce in the State over which he presided, and he then discovered that State regulations without Congressional legislation would prove ineffectual and abortive so far as remedying existing evils was concerned. Therefore, when he was elected to the senate he determined that one of the first efforts he would make as the representative of his State in the great conservative body of the national legislature would be to secure the regulation of commerce among the several States by an act of Congress. He at once took hold of the question and pursued it with a degree of energy and power that effectually overcame all resistance and which eventuated in the speedy passage of the act which now stands as one of the most valued chapters of Congressional legislation. The provisions of this law were urged upon the attention of the common carriers of the country almost before they were made aware that justice had laid a summary hand upon their indiscriminate operations. While this act has been much criticised and abused, and its author opposed by men who were in certain lines of commerce and transportation, yet the people have always believed that its provisions were right and just; and the longer it has remained upon the statute books and the more it has been tested by practical experience the stronger has it become in the judgment of fair-minded people.

Senator Cullom is a conservative man and must be regarded as a statesman, always striving to build up for the benefit of the people and to insure a continuous national progress, believing that nations, like men, can not stand still: they must go forward or backward; they can not go backward without decay; therefore it is imperative that they go forward. He has become somewhat conspicuous as a public officer who is always at his post of duty and always at work. No man has ever represented Illinois, either as a member of the State legislature, as a representative in the lower house of Congress, as governor of the State, or as a United States senator, who has been more faithful to the trust reposed in him by the people. His mental characteristics are of the solid and practical rather than of the ostentatious and brilliant order. He is essentially strong in intellect and capable of reaching safe, reasonable and prudent conclusions. In person the senator is tall and thin; his hair is black, tinged with gray; his forehead is high and massive, indicating his intellectuality, and his features mobile and clearly cut. He has an ease of carriage and a grace and courtesy of address which have in no slight degree contributed to his popularity. A strong man mentally and physically best describes the individual of our subject.

Incidental to his services in Congress, Senator Cullom has twice been designated as one of the visitors to the military academy at West Point, and has for several years been a member of the board of regents of the Smithsonian Institution at Washington.

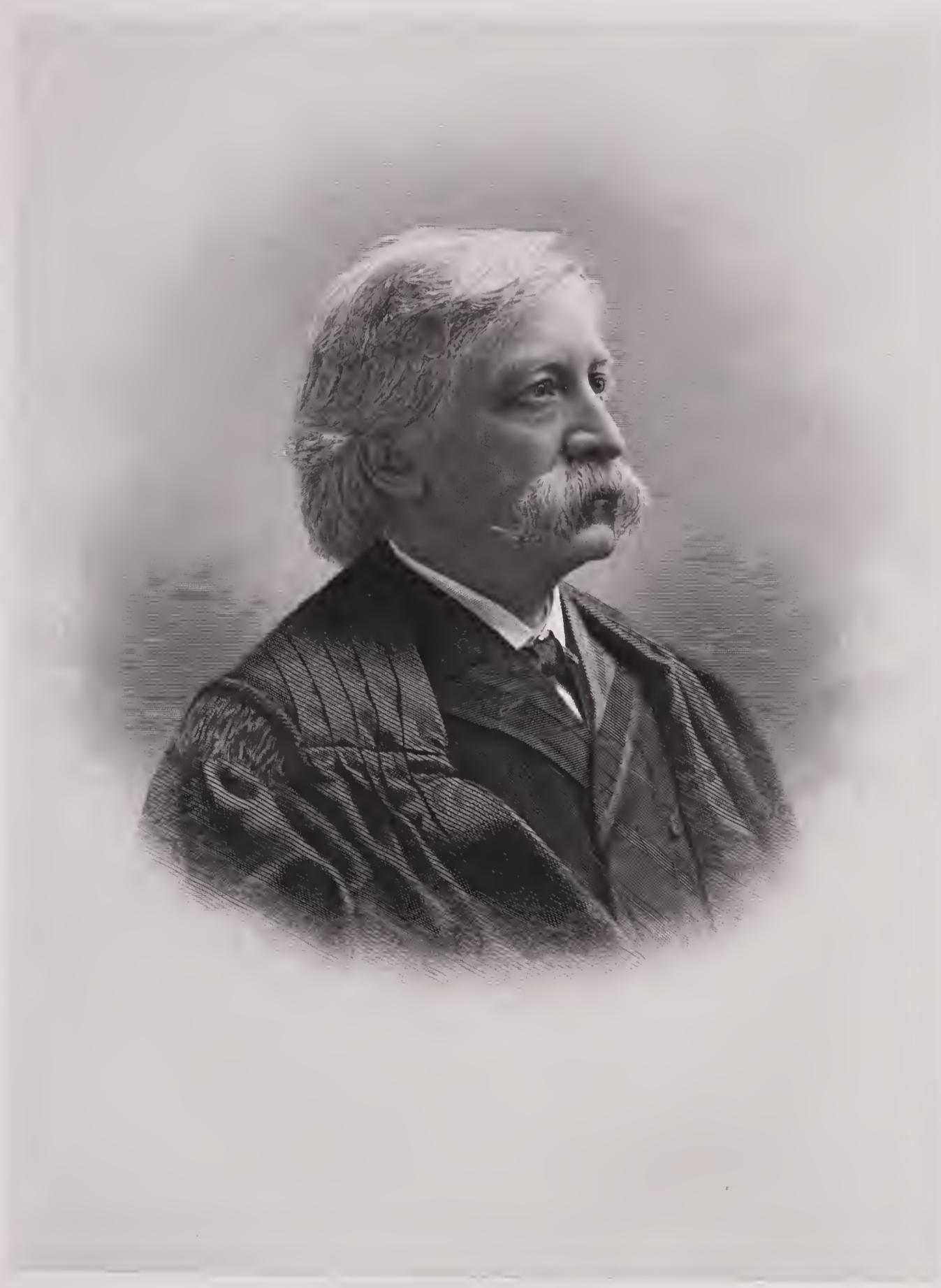
In conclusion we turn briefly to the domestic life of Senator Cullom. In December, 1855, at Springfield, Illinois, was consummated his marriage to Miss Hanna M. Fisher, who entered into eternal rest in 1861, leaving two little daughters, Ella and Catherine. Both grew to womanhood, receiving the best of educational advantages and enjoying all the privileges of a cultured and refined home. Miss Ella became the wife of Mr. William Barrett Ridgely, a young, successful business

man of thorough education and practical attainments, resident in Springfield, Illinois, where she presides over an elegant home. She is deservedly prominent in social and church matters in the city of her birth. Miss Catherine married Mr. Robert Gordon Hardie, an artist of distinction in New York. Her untimely demise occurred May 17, 1894, bringing great sorrow to her devoted husband, her honored father and all who had known and appreciated the beauty of her character. Of great personal attractions, accomplished, and imbued with the abiding graces of true Christian character, she was a woman whose death leaves a void in many loving hearts.

Some years after the death of his first wife Mr. Cullom married her younger sister, Miss Julia Fisher. Two children were born of this union, but both died in infancy. Concerning Mrs. Cullom we can not do better than to quote from a published article touching her individuality. She is spoken of as "one of the most modest and retiring women at the capital, but a woman of marked intelligence and sterling character in every sense of the word, as unbending as her Presbyterian faith. She is a most conscientious member of that church and is rarely absent from her place in the Church of the Covenant. In discharging the duties of her high position she is most affable and cordial to all. No one has ever heard her speak of another but to praise; if she has criticisms to make no one outside of the sacred circle of their happy home ever hears them. She was educated at the Young Ladies' Institute at Springfield, Illinois. * * * Senator Cullom has occupied most distinguished positions ever since their marriage and Mrs. Cullom has consequently known no reverses, and has been continuously most conspicuous, always filling her position with great credit to herself and fidelity to her husband's interests. * * * Her perfect equipoise of temperament is most attractive and has made its reflex on her beautiful face, which is that of a much younger woman than we find her to be after consulting the calendar. Her influence has ever been for the betterment of mankind and the elevation of her sex. * * * In Springfield and Washington she has ever been most active in works of charity. At the capital she is a member of the Board of Managers of the Foundlings' Home, and of other organizations of a benevolent character."



ILLINOIS STATE CAPITOL, SPRINGFIELD.



W. W. Miller

MELVILLE W. FULLER,

WASHINGTON, D.C.



CHIEF JUSTICE FULLER was born in the city of Augusta, Maine, on the 11th of February, 1833. On both sides he comes of the best New England stock, his American ancestors having been among the pilgrims who came over on the Mayflower. For nearly three centuries some member of his family in each generation rose to eminence as a lawyer, statesman or divine. A succession of distinguished preachers were his ancestors on the paternal side. Thomas Weld, a Fellow of Cambridge University, came to this country in 1632, and was the first minister of the first church in Roxbury, now a part of Boston, Massachusetts. He was a contemporary of Eliot, the Indian apostle. A great-grandson of his, Habijah Weld, was settled for half a century at Attleborough, Massachusetts, and was much beloved by Cotton Mather. He is described in Dwight's Travels in New England as an orator of great virtue and power, a very Boanerges in the pulpit. His daughter, Hannah, became the wife of Rev. Caleb Fuller, son of Young Fuller, who was born at Barnstable in 1708. Another daughter, Elizabeth, married John Shaw, of Barnstable, from whom the late Chief Justice Shaw, of the supreme court of Massachusetts, descended, so that Chief Justice Fuller and the late chief justice of Massachusetts are both descendants of the celebrated Puritan preacher.

The Rev. Caleb Fuller graduated at Yale in 1758, and settled as minister for some time in Hanover, New Hampshire, where he died, in 1815, at a good old age. His son, Henry Weld Fuller, grandfather of the Chief Justice, was born in 1784 and was a classmate and intimate friend of Daniel Webster at Dartmouth College. He was a sound lawyer, and for many years and at the time of his death was judge of probate in Kennebec county, Maine. He resided at Augusta, and was noted for his public spirit and his keen interest in the progress and prosperity of his adopted State. He married Esther Gould, a sister of the poetess, Hannah Flagg Gould, and died on the 29th of January, 1841. The father of the chief justice's paternal grandmother, Benjamin Gould, was a soldier in the Revolutionary war, was wounded at Lexington and struck twice at Bunker Hill. Her brother, Benjamin A. Gould, was master of the Boston Latin school, and another sister was the mother of the late Judge Rapallo of the New York court of appeals. Frederick Augustus Fuller, son of Henry Weld Fuller and Esther Gould, and father of the Chief Justice, was born in Augusta, on the 5th of October, 1806, studied law at Harvard law school and with his father, and was for a long time chairman of the board of commissioners of Penobscot county. He married Catherine M. Weston, daughter of Hon. Nathan Weston, who was chief justice of the common pleas of Massachusetts, and, after Maine was admitted as a State, was a member of the supreme court of that State, being associate justice from 1820 to 1834, and chief justice from 1834 to 1841. Chief Justice Weston's mother was Elizabeth Bancroft, an aunt of the historian, George Bancroft, who had been previously married to Nathaniel Cheever, and two of whose grandchildren were the well-known abolitionist divines, Rev. Dr. George B. Cheever and Rev. Henry T. Cheever. The maternal grandmother of the Chief Justice was Paulina Bass Cony, daughter of the Hon. Daniel Cony, of Augusta. She was a relative of Bishop Bass, of Massachusetts, and a descendant of John Bass, who married the daughter of Priscilla and John Alden. Her maternal grandfather was Rev. Philip Curtis, of Jamaica Plain. Judge Cony was a Revolutionary soldier, was present at the surrender of Burgoyne, and was a leading man in the Kennebec valley during a long life. He

had four daughters,—Mrs. Ruel Williams, Mrs. Nathan Weston, Mrs. Samuel Cony and Mrs. John H. Ingraham,—familiar names to the people of Maine. The Chief Justice is connected through the Welds with Chief Justice Shaw, through the Curtises with Benjamin R. Curtis, and through the Conys with Rufus Choate. His father and his father's two brothers, and his mother's four brothers, were all members of the bar. His father, grandfather and great-grandfather had all been distinguished citizens of the town in which he was born. The opinions of Chief Justice Weston, especially upon commercial questions, are quoted even now as leading cases upon the topics discussed.

At the age of sixteen Mr. Fuller entered Bowdoin College, where he mastered the regular course, graduating in the class of 1853. On leaving college he began the study of law in the office of his uncle, George Melville Weston, at Bangor, toward the close of his preparatory course attending lectures at the Harvard law school. Having been called to the bar of his native State, he commenced the practice of his profession at Augusta in 1856, in partnership with his uncle, Hon. Benjamin G. Fuller, with whom he also at the same time edited *The Age*, then one of the leading Democratic newspapers in the State. While acting in this capacity he reported the proceedings of the State legislature for the same paper, and thus made the acquaintance of James G. Blaine, who was then on the editorial staff of the Republican newspaper in Augusta. While yet on the threshold of his career, Mr. Fuller so favorably impressed his fellow citizens by his ability that in 1856 they elected him a member of the common council of Augusta, of which he became the president, performing also the duties of city solicitor. Although only twenty-three years of age, he had already developed remarkable qualities as a lawyer, and an enviable position at the bar of his native State was assured him.

The wonderful reports of the prosperity of the new West, however, and especially of the growth of Chicago, had attracted his attention, and he made up his mind to follow the track,—by this time pretty well trodden,—of Chicago's early pioneers. He resigned his offices in Augusta, and before the year 1856 had closed he had settled in Chicago. Here his abilities were speedily recognized. He soon won for himself an honorable position at the bar and built up a lucrative practice, which continued to grow until he stood in the foremost ranks of the profession. Within two years after his arrival in Chicago we find him arguing a case before the supreme court of this State,—*Beach vs. Derby*,—reported in the 19th volume of the Illinois Reports. From that time on until his elevation to the highest judicial office in this country he was engaged as counsel in nearly all the most important litigations that stand out as landmarks of the history of jurisprudence in this State. His cases appear in more than one hundred volumes of the Illinois Reports. Several of them were of a character which attracted attention not only in this but also in other countries.

The most celebrated of them, perhaps, was the famous Cheney case, which resulted in the organization of a new Episcopal church in the United States and Canada, with a branch in England. The Rev. Charles Edward Cheney, rector of Christ church in Chicago, was charged before the bishop of the Protestant Episcopal diocese of Illinois, Dr. Whitehouse, with omitting the word "regenerate" from the baptismal service in violation of the rubric; and the bishop appointed an ecclesiastical court to hear evidence and report their findings to him. This court, which consisted entirely of clergymen, met in the lecture room of the cathedral of SS. Peter and Paul, and was presided over by Rev. Dr. Chase, principal of an Episcopal training college in central Illinois. The prosecution was conducted by Mr. S. Corning Judd, chancellor of the diocese, and the accused clergyman was defended by Mr. Fuller, who also is a member of the Protestant Episcopal communion. Mr. Cheney did not deny that the doctrine of absolute baptismal regeneration was repugnant to him, nor that he was accustomed to omit the word expressing it when reading the baptismal service. In common with a number of other clergymen who afterward seceded with him from the Protestant Episcopal Church, he claimed a larger spiritual liberty than was conceded to him by the strict ritualists who instigated the prosecution, and maintained that he could still remain a loyal minister of the church though eliminating from the service book what he held to be error. The writings of the church fathers were appealed to in support of this position, while the canon law was cited to uphold the theory that a clergyman can do nothing but follow the rubric, except with the permission of his bishop, to whom he owes absolute canonical obedience.

Mr. Fuller met the case presented point by point, and astonished the doctors of divinity by his knowledge both of canon law and patristic literature. When it became evident that the decision of the court would be against his client he sued out a writ of injunction, which was served upon the members of the court in open session by the sheriff of Cook county in person. But Mr. Fuller was defeated in the supreme court, where that court decided that the court of equity could not enjoin the ecclesiastical proceedings. Mr. Cheney was subsequently deposed for canonical disobedience, and formed a new church, with the aid of Rev. Dr. Cummins, assistant bishop of Kentucky,

who conferred upon Mr. Cheney episcopal orders, as Mr. Cheney, though discarding absolute baptismal regeneration, still clung to the dogma of apostolical succession. The new church became known as the Reformed Episcopal church, and ministers from the Methodist, Presbyterian and other denominations joined its ranks. The vestry and congregation of Christ church followed Mr. Cheney in his secession, and another suit arose between them and the bishop with regard to the title to the church property. The cases were in litigation a long time, and at all stages Mr. Fuller vigorously contested them, evincing a profound knowledge of ecclesiastical law rarely possessed by any lawyer except among those English lawyers who are specially devoted to that line of practice. His argument in the first case before the Illinois supreme court was acknowledged to be a masterpiece of forensic skill and eloquence. The result of the second case was favorable to his clients, who still occupy Christ church under the ministrations of Bishop Cheney. This now historical case added greatly to Mr. Fuller's fame as an advocate; but he had long before been recognized as a thorough and painstaking lawyer, and noted for his unswerving loyalty to the interests of his clients.

His practice continued to grow until it was limited only by his ability and willingness to undertake new cases. A marked characteristic of all his appearances in court was the thoroughness with which his cases were prepared. Although possessing quick perceptive faculties and working with facility and ease, he studied every case closely and carefully, not grudging the most prodigious labor, so that he might be master of every detail; and he always went into court fully armed for the contest. As a fluent, earnest and convincing advocate he had but few equals. Always dignified and courteous, he commanded alike the respect of the court and the esteem of his associates at the bar. His practice embraced all branches of the law except criminal and admiralty. As an expounder of commercial law and the law of real property, he had no superior at the Chicago bar. In the later years of his forensic career he practiced more on the chancery than the law side of the court, but in both he shone as an eloquent and successful pleader. Latterly his practice was very extensive in the Federal courts; and it is a curious coincidence that he was of counsel in the first case heard before the late Chief Justice Waite when he went upon the bench,—Tappan vs. The Merchants' National Bank. That was in 1874; and since that time, as well as for some years before, scarcely a term of that court passed in which he had not one or more cases on the docket.

Among the more important of his later cases in the Federal courts may be mentioned the Lake Front case, which involved a long protracted struggle between the city of Chicago and the Illinois Central Railroad Company for the control of the lake front, along which the railroad's right of way extended. The litigation over this matter dragged its slow length along for many years, assuming in its course many new phases, which it would be tedious to describe in detail even were it possible within any reasonable limits to recount a history with which most of the older generation of Chicago citizens are familiar. In the whole of that litigation Mr. Fuller successfully represented the interests of the city of Chicago, while the most eminent counsel available at the Chicago bar were arrayed against him; but he fought them single-handed with wonderful pertinacity, and with apparently inexhaustible resources of argument, until at the final hearing before Justice Harlan and Judge Blodgett, a year before Mr. Fuller's elevation to the Federal bench, a result was arrived at which was essentially a triumph for the city, the credit of which was freely acknowledged to be due to the learning, research, and skill with which Mr. Fuller had conducted the litigation on the city's behalf. It was one of the most memorable legal battles that have ever been fought in the courts of the United States,—memorable alike for the magnitude of the issues involved, the eminence of the counsel engaged, and the length of time through which it lasted; and Mr. Fuller came out of it with honor and with a vastly enhanced professional reputation.

A Democrat all his life, Mr. Fuller gave a loyal and earnest support to the cause of the Union during the war, believing the principles of the Jeffersonian party to be not inconsistent with the purest patriotism. Ardently desiring the triumph of the Union arms and the suppression of the Rebellion, he yet saw no reason to change the political opinions which he had cherished from his earliest years, and has always been, through all vicissitudes of party fortune, a consistent and zealous member of the Democratic party. A thorough student of economic science, as well as of the principles of the law, he quickly discerned the fallacy of an attempt to increase the general prosperity by an inflation of the currency, and gave his firm support to the policy of resumption of specie payments and a return to what was popularly known as "hard money."

He was a devoted personal friend of Stephen A. Douglas, and among the ablest adherents of that statesman. He welcomed Senator Douglas to Chicago in 1860, in an address characterized both by elegance of diction and vigor of thought, and, in the following year, he delivered a commemorative oration which was widely praised for its style and matter. In 1861 he was a member

of the convention called for the purpose of revising the constitution of the State of Illinois, and in that body his legal knowledge and abilities enabled him to render important service. In 1862 he was elected to the State legislature and served one term. He was chosen as a delegate to the Democratic national conventions of 1864, 1872, 1876 and 1880, and in 1876 was selected to nominate Mr. Hendricks for the vice-presidency, which he did in a brilliant speech. In recent years, however, he has withdrawn himself from all active participation in politics, though he still retains a warm interest in the success of his party and the principles which it represents; is a close observer of public events and as keen a student as ever of the public questions of the day.

A thorough student from his college days, Mr. Fuller has all his life been a man of scholarly habits,—not merely a *helluo librorum*, though he is that,—but one who constantly exemplifies Bacon's maxim as to the right results of reading. His classical erudition tinctures his style on all occasions, in legal arguments, in public addresses, and even in lighter and less carefully prepared postprandial utterances, and oftentimes overflows with quotation. In the same way his wide acquaintance with the best modern literature is manifest not merely in the grace and polish of his diction, but also in the wealth of allusion and felicitous quotation with which it is embroidered. And above all, one rare element of strength which pervades his more serious discourse, is his familiarity with the Bible, the very phraseology of which, grand in its mere simplicity, crops out frequently in Mr. Fuller's speeches as though by an act of unconscious assimilation. By the members of his own profession he is held in the highest respect for the thoroughness of his legal learning. He displays as complete a familiarity with fundamental principles as with precedents. A profound jurist as well as an accomplished scholar, he is moreover a singularly effective orator, the charm of his diction being enhanced by a graceful delivery and a dignified bearing which at once make a favorable impression upon an audience.

On the 1st of May, 1888, Mr. Fuller was appointed by President Cleveland to the high office of Chief Justice of the United States, made vacant by the death of Hon. Morrison R. Waite. His appointment was most favorably received by the legal profession throughout the country. Even his strongest political opponents were among the first to recognize his eminent fitness for the position. Called in the vigor of his manhood from the active practice of the bar, it was universally felt that Mr. Fuller, as a lawyer of wide experience and commanding position in his profession, and a citizen of the very highest personal character, would undoubtedly prove a worthy successor to Jay, Ellsworth, Marshall, Taney, Chase and Waite. His old college, Bowdoin, was among the foremost to greet the new chief justice with the highest honor in its gift, the degree of LL. D., which was conferred upon him on commencement day in July, 1888. Mr. Fuller was present in attendance on a meeting of his class, that of 1853, and at the commencement dinner, in response to the call of the president, he made a response, which was characterized by all the felicities of diction which have already been enumerated. "Praise for those who have been crowned with praise," he said, "is necessarily gratifying, and it is delightful, on returning from long absence, to receive the cordial welcome of the friends of one's youth and early manhood, and of the many with whom kinship has been created by the tender touch of the fair and gracious mother in letters of us all. I cannot escape if I would, and I would not if I could, the touch of vanquished hands and the sound of stilled voices." Speaking of his old teachers, he went on to say: "Though in the careless gayety of youth I count myself as not having fully apprehended it, I have since appreciated, and profoundly appreciate, the value of the works which follow them now that they rest from their labors. It was not learning merely, it was not mental discipline merely, that they sought to impart; but, in addition to and above these, they labored to ground the student in that faith in the eternal verities which would enable him, when the rain descended and the winds blew, and the floods came, to withstand the storm as he only finally can do whose feet are planted on that rock. Wherever the sons of Bowdoin have acquired distinction—and what region of the earth is not full of their labors?—I think it will be found that their success is largely attributable to the integrity of character developed by the spirit of the teaching of their *alma mater*."

His fellow citizens of Chicago were not slow to acknowledge the honor conferred upon this community by the selection of one of its members for the highest judicial office in the land. His brethren of the Chicago bench and bar entertained him at a magnificent banquet, presided over by the venerable Thomas Drummond, judge of the United States circuit court for the northern district of Illinois, himself a graduate of Bowdoin College. In proposing the health of the new chief justice, Judge Drummond referred to the attempted opposition to his confirmation by the senate. Characterizing Mr. Fuller as "one who has gone in and out among us for more than thirty years with an untarnished name and with a moral character which even malice could not sully," he said that the citizens of Chicago could commend Mr. Fuller "as one who, from the eminence he has

occupied as a lawyer, from his learning, from his ability, and his integrity, will adorn the high office to which he has been appointed." The earnest and feeling words with which Chief Justice Fuller responded will long echo in the memories of those who were present on that occasion, and a brief extract from them may fitly close this sketch:

"It has come to pass," Mr. Fuller said, "that as the star of empire, moving westward, hangs fixed and resplendent above the glorious valley of the Mississippi, a member of this bar and citizen of Chicago has been designated to the headship of the mightiest tribunal upon earth. Of that tribunal, or the grave and weighty responsibilities of that office, it does not become me now to speak, nor could I if it were otherwise appropriate; for I am oppressed with the sadness inevitable where one, after long years of battle, puts his armor off and retires from the ranks of his comrades. Whatever the vicissitudes of these thirty-two years, they have never been marred by personal estrangement from my brethren, and they have been happy years. Personally unambitious, I have not thought myself selfish in indulging my preference for the sweet habit of life rather than the struggle involved in prominent position. I have always been deeply impressed with the truth of the words of one of the wisest of mankind, that 'men in great places are thrice servants; servants of the sovereign or State; servants of fame; and servants of business; so as they have no freedom, neither in their persons nor in their actions, nor in their times.' But I also know, of course, that the performance of duty is the true end of life; and I find consolation in the thought that though, in the effort to prove worthy of the confidence of a great and common country, I must tread the wine-press alone, I shall be sustained by the sympathy, the friendship, and the good will of those with whom I have dwelt so long, and my affection for whom no office, however exalted, no eminence, however great, can impede or diminish."

Mr. Fuller has been twice married,—in 1858 to Calista O. Reynolds, and in 1866 to Mary Ellen Coolbaugh. He is the father of eight daughters and one son,—two of the daughters being the issue of the first marriage.

The biography of Chief Justice Fuller as it appears above was prepared for and published in Vol. II of the *Encyclopedia of Biography of Illinois*.

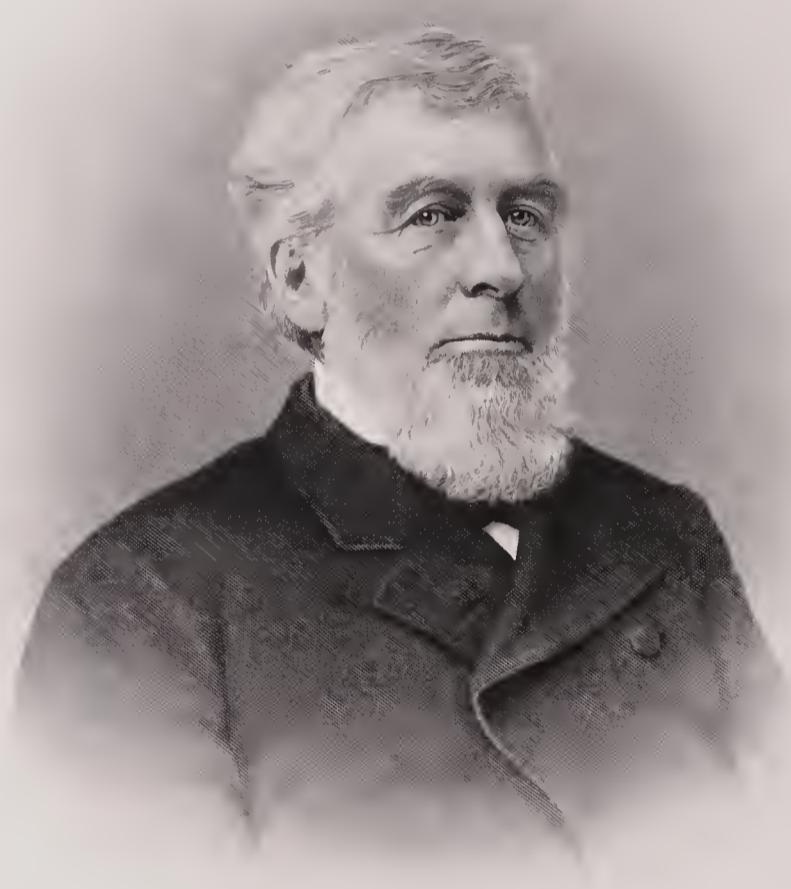
SHERBURN S. MERRILL,

MILWAUKEE, WISCONSIN.



HERBURN S. MERRILL, for many years the general manager and leading spirit of the great Chicago, Milwaukee & St. Paul Railroad system, was born in Alexandria, Grafton county, New Hampshire, July 28, 1818. His father, Moses Merrill, was a farmer, and Sherburn was bred to that profession and educated in the common schools. After leaving school he first found employment about a hotel in Concord, New Hampshire, where he remained for a year; for six years immediately following this experience he worked in the furnishing house of Moses Kimball in Boston. He next served as a clerk in a hotel at Troy, New York, and later set up a little hotel of his own at Bristol in his native State. He had an interest in a small woolen factory at the same place. He remained there till 1850, and in November of that year he went to Milwaukee, Wisconsin, and entered upon what was destined to become a great career as a railway man, his first experience in that capacity being gained as foreman of a gang of men employed in grading a section of what is now the Prairie du Chien division of the Chicago, Milwaukee & St. Paul Railroad. The energy and efficiency with which he deported himself in this humble capacity attracted the attention of his superiors and led to his rapid promotion. From foreman in the construction department he became, successively, conductor, paymaster and assistant superintendent. His next appointment was to the superintendency of the Milwaukee & Watertown Railway, now a part of the Chicago, Milwaukee & St. Paul system. He next became superintendent of the LaCrosse & Milwaukee Railroad, now known as the northern division of the Chicago, Milwaukee & St. Paul. This position he resigned at the close of 1864, his health having become impaired by overwork; and with the view of recuperating, away from the trying winds of Lake Michigan, he accepted the superintendency of the Winona & St. Peter Railroad, in Minnesota. It was at the close of the latter engagement, in July, 1865, that Mr. Merrill was called to the commanding position in connection with which his memory will ever be associated,—the general management of the Chicago, Milwaukee & St. Paul Railroad. The corporation was at that time known as the Milwaukee & St. Paul Railroad, the name of Chicago being added to its title at a later date.

This immense system remained nominally under his charge from that day till his death, which occurred at his home in Milwaukee, February 8, 1885. His practical direction and superintendency of its affairs never for an instant relaxed, from the day of his appointment as general manager until he received the paralytic stroke that a year later terminated his life. Until the sudden breaking down of his constitution, Mr. Merrill's whole existence was merged in his business so completely that the great railroad seemed in a very real sense little more than a manifestation of his tremendous individuality. His personal supervision was directed to every portion of the system, and his tireless energy dominated everywhere. His figure was known to every one who worked for the company in any capacity, and all felt bound to him by strong and enthusiastic personal regard. A strict disciplinarian, he was recognized as being always just; and the prompt and unflinching obedience to orders which he always exacted was known to be nothing more than he himself would have cheerfully accorded had his place been to obey rather than to command. He was never satisfied except when hard at work, and his example was an inspiration to hard work on the part of those around him. His practical clear-sightedness, his comprehensive grasp of details, combined with



S. S. Will.

wonderful power of organization, his tireless energy, and his perfect knowledge of men, marked him as a man of great executive ability. In person Mr. Merrill was of commanding height, spare and erect in figure, and in every movement nervous and quick. His eye was as bright as an eagle's, his complexion was florid, and his hair and beard, in later years, of a silvery gray. Mr. Merrill was twice married,—in 1849 to Miss Sarah D. Kidder, who died in 1855, leaving two daughters, Sarah W., now Mrs. Washington Becker, and Susie K.; and in 1858 to Miss Mary E. Freeman, who survives him. Of this union have been born: one daughter, Marian, the wife of Rev. William Chester, pastor of Emanuel church of Milwaukee; and two sons, Fred F. and Richard. It is a privilege accorded to but few men to be as widely known as was S. S. Merrill; the number is yet smaller who have been able to win such a measure of sincere respect as he aroused in all with whom he came in contact. His strongest hold upon men was his hold upon their hearts. In almost a literal sense the Chicago, Milwaukee & St. Paul Railroad is what he made it; from the weakling condition of a mere experimental enterprise the road has become one of the giant organizations of the world and every step of its upward progress has been most aided by Mr. Merrill's ability. The system he built up received the impress of his strong personality, and for many coming years will his methods and characteristics be features in the policy of the road, even though the actual labor of managing it is confided to other hands. Love of toil, a brave self-confidence and the natural gift of leadership,—these were the foundation traits of his character, and enabled him to attain the position and reputation of being one of the foremost railroad men of his time.

CHARLES KENDALL ADAMS, A.M., LL.D.,

MADISON, WISCONSIN.



LAW BUILDING AND PRESIDENT'S
OFFICE OF WISCONSIN UNIVERSITY

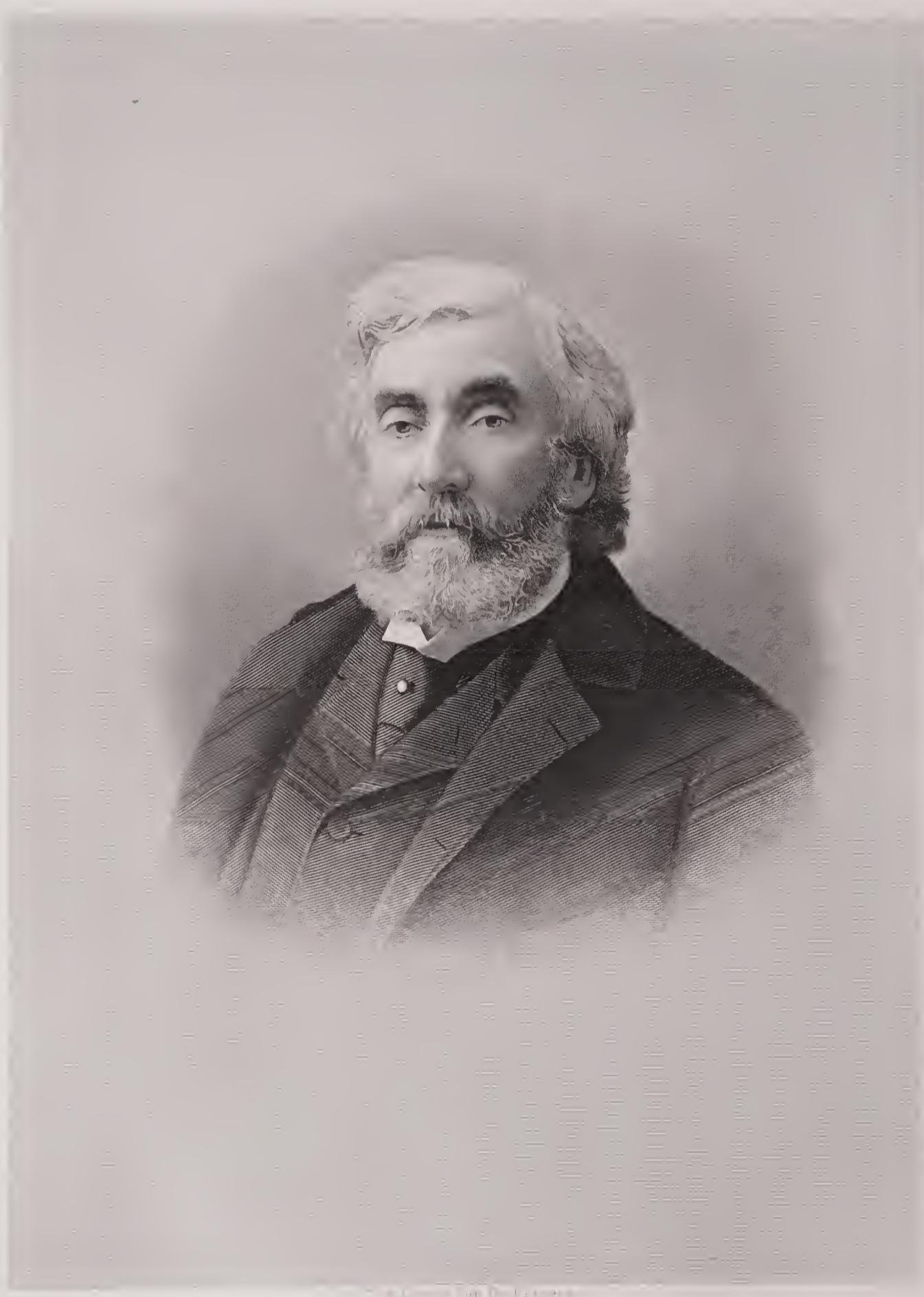
CHARLES KENDALL ADAMS, President of the University of Wisconsin, was born at Derby, Vermont, on the 24th of January, 1835. The first ten years of his life were spent in a village, but from the time he was ten until he was twenty years of age he lived upon a farm, attending a district school during the winter months. In the course of these years, however, he showed considerable aptitude as a student of mathematics, mastering Davies' algebra, geometry, trigonometry, and surveying, before he was eighteen. From 1852 to 1855 he taught school during the winter months. In the fall of 1855 he emigrated to Iowa, whither he was followed the next spring by his parents.

It was not until after he had passed his twenty-first birthday that he decided to fit himself for college by taking a complete course in Latin and Greek. Though his parents earnestly sympathized with him in his desire for a collegiate education, it was impossible for them to render him any financial assistance. His preparation was completed at the end of one year, by arduous study in the Denmark Academy, Iowa, and he entered the University of Michigan in the fall of 1857, where, after supporting himself four years by manual labor, by teaching, and by assisting in the administration of the library, he graduated, in 1861. Remaining for a graduate course of study, he took the Master's degree in 1862, and immediately thereafter was appointed instructor in Latin and history. In 1863 he was made assistant professor, a position which he held until 1867, when he was advanced to a full professorship with the privilege of spending a year and a half in Europe. After studying in several of the universities of Germany and France, and spending about two months in Italy, he entered upon his work as professor, in the autumn of 1868. Soon after his return to the university he established a historical seminary modeled after the methods pursued in Germany. On the establishment of a School of Political Science at the University of Michigan, President Adams was appointed its dean, and at the same time he was made non-resident lecturer in history at Cornell University.

These positions he continued to hold until 1885, when he was called to the presidency of Cornell University, a position which he occupied until the summer of 1892. During the seven years of his incumbency of that position, the number of students was increased from 560 to more than 1,500; and the endowment of the university was increased by nearly two million dollars. The courses of study were multiplied, and all branches of the university were reorganized. Special efforts were made to improve and increase the facilities for graduate work, and the number of graduate students in consequence was increased from about forty to nearly two hundred. During his administration he was also specially desirous of making the institution as strong on its literary



MAIN HALL, UNIVERSITY OF WISCONSIN.



C. K. Adams.

side as it had been on the side of natural and applied science. To this end the instructional force was remodeled and increased, and the result made the literary work of the university one of the strongest features of the institution. Immediately after his acceptance of the presidency, he prepared and submitted an elaborate report on the advisability of establishing a college of law. Though the trustees of the university were inclined to doubt the practicability of establishing a school of law

at that time in the center of the State, yet they were finally persuaded to adopt the recommendation of the president, and the school was accordingly established. From the first it had unexpected prosperity, and within five years became one of the prominent schools of the country. At the time of his resignation, the following resolutions were unanimously passed

BY THE BOARD OF TRUSTEES.

"It is in obedience both to a sense of duty and to a feeling of strong personal respect and attachment that the trustees of Cornell University place upon their minutes this formal expression of their cordial appreciation of the services of Dr. Charles Kendall Adams as their chief executive officer during the past seven years.

"He came into the presidency at a time when a great addition to the material resources of the institution de-

manded commensurate effort. New departments were to be created, old departments enlarged and reorganized, large additions were to be made to the faculty and great extension given to the equipment.

"It is not too much to say that President Adams distinguished himself by the fidelity with which his multifarious duties were discharged. The formation of his plans were marked by wisdom, and their execution by unwearyed labor and care. In the choice of professors he showed remarkable sagacity; rarely in the history of any institution has such a series of eminent professors been brought into any faculty as that which has been introduced under his administration into Cornell University. A very striking testimony to the wisdom of his nominations is seen in the efforts which other leading institutions have made to attract into their own faculties the men he had thus selected.

"In the relations between the university and the national and State governments, and especially with the Department of Public Instruction in the State of New York, President Adams has also shown his ability to deal with men in the conduct of large public affairs.

"As regards the influence of the university on the public, and wide discussion of the leading educational topics of the time, President Adams by his writings and speeches has materially influenced the most enlightened public opinion of his country; and as a writer upon historical subjects he has done work which has elicited praise from the highest sources on both sides of the Atlantic.

"His administration will be remembered in the history of Cornell University as equally important to the interests of the institution and creditable to himself; and we tender to him as a scholar, as an educator and as a man the assurance of our sincere respect and regard, with our best wishes for his future success and happiness.

Resolved, That President Adams be requested to sit for a portrait to be placed in the university, and that the chairman of this board be empowered to carry out this resolution.

Resolved, That \$6,000 be appropriated, to be paid quarterly, in the usual manner, to President C. K. Adams during the ensuing year."

BY THE GENERAL FACULTY.

"WHEREAS, President Charles Kendall Adams has severed his connection with this university, we, the faculty, desire to express our sincere regret that he has found such action necessary, and our appreciation of the zeal and efficiency of the administration of his office.

"Since his accession the growth of the university has been marvelous; large sums of money have been expended in increasing material facilities; departments already in existence have been enlarged, and new ones have been created; a flourishing school of law has been developed; the requirements for admission to the university have been raised; a more liberal policy with respect to elective work has been inaugurated; the courses of instruction have been expanded and brought into a more orderly arrangement; the standard of scholarship has been greatly advanced, and graduate work has been effectively promoted in all departments; a closer connection between the university and the public school system of the State has been brought about; unfriendly movements in the legislature have been warded off, and friendly advances from other quarters have been happily met and reciprocated.



GYMNASIUM AND ARMORY, UNIVERSITY OF WISCONSIN.



SEMINARY HALL, UNIVERSITY OF WISCONSIN.

"In all these activities the president of the university must of necessity take a leading part; and we recognize his careful and successful guidance through it all.

"We bespeak for him a like measure of success in future fields of usefulness to which he may be called, and assure him of our high regard and hearty good wishes that will follow him wherever he may go."

In 1892 President Adams resigned the presidency of Cornell University with the purpose of devoting his life thereafter to the writing of history; but in the course of the summer he received several invitations to resume educational work, and a few months later he accepted the presidency of the University of Wisconsin. He entered upon the duties of the office at the opening of the college year in September, and on the 17th of January, 1893, was duly inducted into office. His acceptance of the presidency of the University of Wisconsin gave an immediate impulse to the work of the institution. The number of students during the first year of his administration rose from 1,092 to 1,289.

In 1872 President Adams published "Democracy and Monarchy in France," a volume which soon went into a third edition, and was translated into German and published at Stuttgart in 1873. A few years later he published the most important of his works, the "Manual of Historical Literature," designed for students, librarians and general readers. A third edition, much revised and enlarged, was published in 1888. He also edited, with historical and critical notes, three volumes of "British Orations," designed to show the characteristics and importance of the greatest English orators. In the summer of 1892 he published the "Life and Work of Christopher Columbus." He is at present editor-in-chief of "Johnson's Universal Cyclopædia," having as his associate editors thirty-five of the most prominent scholars in the country. The degree of Doctor of Laws was conferred upon President Adams by Harvard University in 1886. He is a member of many learned societies, and in 1890 was president of the American Historical Association.



LADIES' HALL

UNIVERSITY OF WISCONSIN.

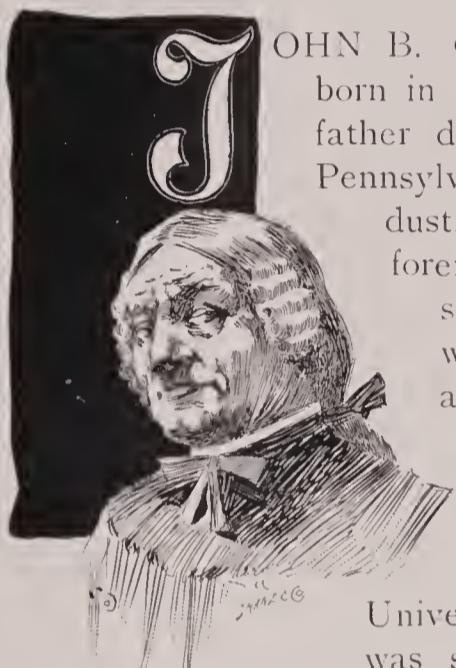
LIBRARY HALL



J. B. Cassoday

JOHN B. CASSODAY,

MADISON, WISCONSIN.



JOHN B. CASSODAY, Chief Justice of the Supreme Court of Wisconsin, was born in Herkimer county, New York, July 7, 1830. About three years later his father died and he and his mother moved with her parents to Tioga county, Pennsylvania. He began life as poor as the poorest of boys, but the same industry, good judgment and well-directed ambition which made him one of the foremost lawyers of Wisconsin carried him successfully through his early struggles. Besides occasionally attending district school for a few months, working for his board, he attended one term at the village school at Tioga and one term at the Wellsboro Academy before he was seventeen. For the next four years he was engaged in various kinds of manual labor, occasionally teaching in the winters. He afterward spent two terms at the Academy of Knoxville, Pennsylvania, and two years at Alfred (New York) Academy, at which he was graduated. He then went to the University of Michigan, where he spent one year, taking the select course, which was supplemented by a short term at the Albany Law School and reading in a law office at Wellsboro, Pennsylvania. Desiring to find a wider field, he went west in 1857 and settled in Janesville, Wisconsin, where he entered the law office of H. S. Conger, afterward Judge of the Twelfth Judicial Circuit, and pursued his law studies there until 1858, when he became a member of the firm of Bennett, Cassoday & Gibbs, which continued for seven years. He was ambitious and full of energy; and with a manly self-consciousness of his ability, integrity of purpose and determination to succeed in life, both as a man and as a lawyer, he took his place and was soon recognized as the peer of his brethren at the bar.

From 1866 to 1868 he was alone in his practice. At the latter date the firm of Cassoday & Merrill was formed and was continued for five years, when Mr. Merrill retired from practice. That firm was succeeded by the firm of Cassoday & Carpenter, which continued until our subject was appointed to the Supreme Bench, November 11, 1880.

As a lawyer, Justice Cassoday was one of the brightest and most successful in the State. From the outset of his career he showed a clear, analytical mind, well balanced, cool and cautious; but the success he obtained could come only from downright hard study and work. While in practice he was devoted to his profession, thorough and methodical in the preparation of his cases, and skilled and judicious in their management, always true to his client and equally true to himself and to the court, intensely anxious to succeed, but always just and courteous to his opponents; he took nothing for granted, but went to the bottom of every question, and the members of the bar who were tempted to rake after him found but scant gleaning. In his arguments his earnest and clever manner of presenting each particular case and his complete mastery of the questions involved, gave him a rare power and caused him to be listened to by court, jury and the bar with the utmost attention and sincerest respect. His practice was general, and during his twenty-three years at the bar he was constantly crowded with business.

Justice Cassoday's first vote for a presidential candidate was for Franklin Pierce in 1852, but he has been a Republican ever since the organization of that party. In 1864 he was a delegate to the Baltimore convention, which nominated Lincoln, and was placed upon the committee on cre-

dentials, which was that year a very important committee. He was the only member of the Wisconsin delegation who voted for Andrew Johnson as a candidate for vice-president. In the same year he was elected to the Wisconsin Assembly, and during the session served with credit on the judiciary and railroad committees. The thirteenth amendment to the Constitution of the United States was ratified by this legislature at this session, and Justice Cassoday took an active part in the debate upon its passage. In 1876 he was again called upon to represent his district in the same body and was then chosen its Speaker without opposition in his own party. He made up the committees with strict reference to their experience and capacity, and announced their appointment on the second day of the session. By so doing and by his tact and executive ability in the chair, the business was completed in fifty-eight days, being one of the shortest sessions in the history of the State. While he was speaker he confined himself strictly and exclusively to the duties of his office, and made himself master of parliamentary laws, so much so that he has since been habitually consulted on such questions.

In 1880 he was a delegate at large to the national Republican convention at Chicago and was chairman of the Wisconsin delegation. He presented to the convention the name of the late Elihu B. Washburne as a candidate for president in a speech that was worthy the man and the occasion. On the morning of the second day of the balloting for a candidate for president, sixteen members of the Wisconsin delegation, including General Rusk, General Winkler, Joseph V. Quarles, William E. Carter, Norman L. James, A. J. Turner, the late Edward Sanderson, Judge Frank L. Gibson and Justice Cassoday, before leaving their hotel, resolved to cast their votes for James A. Garfield; and it was left to Justice Cassoday to determine the opportune time for casting such vote. Accordingly, and after six ballots had been taken and Edmunds' strength had gone to Sherman, and Washburne had lost twelve votes from Indiana, Justice Cassoday announced to his fellow delegates that the time had come for breaking the dead lock; and thereupon and on the thirty-fourth ballot, he announced the vote of the delegation,—sixteen of the votes being cast for General Garfield, who was nominated on the second ballot thereafter.

While at the bar Justice Cassoday kept up a lively interest in all public questions and took an active part upon the stump in every important political campaign from 1856 to 1880 inclusive. He at all times exhibited an unflinching fidelity to the interests of the people and the fundamental principles of the Republican party. He was frequently a delegate to State conventions, and presided over the one in 1879. He declined to be a candidate for numerous offices, including Circuit Judge in 1870, and Attorney-General in 1875. He was no politician in the ordinary sense of that word, and was never a partisan in any sense.

October 19, 1880, that eminent jurist, Chief Justice Ryan, unexpectedly died, thereby creating a vacancy upon the Supreme Bench. In a few days the Republican press pretty generally came out in favor of the appointment of our subject for the vacancy. Up to that time he had never had any judicial experience, and was then engaged in stumping the State for Garfield and the Republican party, and continued to do so until the election, which occurred November 2.

November 11, 1880, Mr. Justice Cole, who had been a member of the court for more than twenty-five years, was appointed by the Governor to the office of Chief Justice. He at once accepted the same, and thereupon Mr. Cassoday was appointed to fill the vacancy created by the resignation of Justice Cole.

In April, 1881, both Chief Justice Cole and Justice Cassoday were elected to the respective offices which they held by appointment, upon calls of the bar, the legislature and the people, without regard to party, and with the exception of a few scattering ballots received the entire vote of the State—Chief Justice Cole having 177,522, and Justice Cassoday 177,553. In June, 1881, Beloit College conferred upon Justice Cassoday the degree of LL. D. In 1889 Justice Cassoday was re-elected without any opposition, upon calls from the bar of every county in the State, every member of the State legislature and every State officer, and received 210,899 votes, being all but two hundred and twelve of the total number of votes cast.

Since 1885 Justice Cassoday has lectured to the senior classes in the College of Law of the University of Wisconsin upon wills and constitutional law. His lectures on wills have recently been published by the West Publishing Company of St. Paul, Minnesota, in a book entitled "Cassoday on Wills," and the same is now used as a text-book by law students in the Wisconsin University under the instruction of John M. Olin, a prominent member of the Wisconsin bar, and also in other law schools. He continues, however, to lecture once a week during the college year on the subject of constitutional law. Upon the death of Chief Justice Orton, in July, 1895, Justice Cassoday, by right of seniority, became his successor, and is the present presiding officer of the Supreme Court of Wisconsin.

In addition to his official duties and work in the law school, Justice Cassoday has prepared and read before literary gatherings or societies various papers upon Law and Lawyers.—Lord Mansfield, the American Lawyer, American Citizenship, John Scott, and John Marshall, being his subjects. During the fifteen years he has been upon the bench he has entirely refrained from participating in any affairs or gatherings of a political or public nature, except that he delivered an address on one Fourth of July and a memorial address upon the death of General Grant, August 8, 1885,—both to his old neighbors and friends in Janesville and Rock county.

February 21, 1860, Justice Cassoday was married to Mary P. Spaulding, of Janesville, Wisconsin. Four daughters and one son have blessed this marriage. Their names are: Ella S., now Mrs. William H. Jacobs, of Denver, Colorado; Belle E., wife of George H. Wheelock, of South Bend, Indiana; Anna L., now Mrs. Nathan Clark, of Duluth, Minnesota; Eldon J., who is connected with the legal department of the Atchison, Topeka & Santa Fe Railroad in Chicago and who recently married Miss Sophia Clansen; and Bertha May, now Mrs. Carl Johnson, of Madison, Wisconsin. Previous to their marriage, Justice and Mrs. Cassoday became members of the Congregational Church, and four of their children are now members of that church. While making no ostentatious parade of his religious views, our subject endeavors to lead a worthy Christian life.

It is but just and merited praise to say that as a lawyer Justice Cassoday ranked among the ablest of the great West; as a legislator, he was the peer of any of his colleagues; as a judge, he is ever honest, painstaking, laborious, courteous, learned and strong; as a citizen, he is honorable, prompt and true to every engagement; as a husband and father, a model worthy of all imitation. His characteristics are a modesty of demeanor, an entire absence of all parade and ostentation and a simple dignity, born of innate virtue and self-respect. He has an educated conscience, a large heart and a practical sympathy, a tender regard for young men who are struggling for an education and a higher life. He is an attractive man personally; he has a somewhat deep-set, sharp and steady eye, firm lip, strong chin and high, well-proportioned forehead; all are outward signs of the rare man, and, with his untiring industry and a continuation of his present good health, he must exercise a marked influence in molding and building up the jurisprudence of Wisconsin—a State that has been enriched by his example, his character and his labor.

WILLIAM H. UPHAM,

MARSHFIELD, WISCONSIN.



WILLIAM H. UPHAM, Governor of Wisconsin, was born in Westminster, Massachusetts, on the 3d of May, 1841, and is of English descent. The ancestry of the family can be traced back to John Upham, a native of Somersetshire, England, who removed to Weymouth in 1635. His descendants in direct line were Phineas, John, Samuel, Jonathan, Alvin and William H. The last named received such educational privileges as were afforded by the common schools. At the age of eleven years he accompanied his parents on their removal to Niles, Michigan, and, after the death of his father, went with his mother to Racine, Wisconsin, in 1853. In those places he pursued his studies. Upon the outbreaking of the war of the Rebellion he displayed his patriotic spirit and enlisted in the Belle City Rifles, which became a part of the Second Wisconsin Infantry. With this regiment he participated in the battle of Bull Run, on the 21st day of July, 1861, and in that engagement he was shot through the lungs and left on the battle-field for dead. News of his sad death was sent to his home and his loss was mourned by relatives and friends, while the papers published long eulogies about him, and a most eloquent funeral sermon was delivered in one of the Racine churches, highly commendatory of his character and career. The sermon was printed in full, and a copy of it is still preserved by the Major as a memento of those stirring times, and as a testimonial of the esteem in which he was held even in his boyhood by those who knew him well.

Seven months after the battle of Bull Run, Mr. Upham was found in one of the Southern prisons, where the long interval had been passed. From the battle field he had been taken to Libby prison and held as captive of war for more than half a year, when he was paroled, having in the meantime recovered from his apparently fatal wound. Leaving prison he reported in Washington, and was sent for by President Lincoln, who thought probably he could give him some valuable information in relation to affairs in the South; and this proved to be the case. Mr. Lincoln was favorably impressed with the appearance and manly bearing of the young soldier, and used his personal influence to secure for Mr. Upham a long coveted position as cadet at West Point, where he was later graduated with honor, on the completion of the prescribed course of study. He was then commissioned Lieutenant in the regular United States Army; and it is a singular fact that his first duty was to act as officer of the guard to Jefferson Davis, who was then confined as a prisoner in Fortress Monroe.

After ten years' connection with the army, Lieutenant Upham resigned, gave up his commission and returned to Wisconsin, since which time he has devoted his energies to the development of extensive business enterprises in the northern part of the State. He has been the leading spirit in the up-



GOVERNOR'S RESIDENCE, MADISON, WISCONSIN.



W.W. Upham

building of Marshfield, and may be truthfully called the founder of the town. Marshfield was platted in 1879, when Colonel Upham came to the place and built a sawmill and shingle-mill. In addition to being identified with extensive lumber interests, Major Upham is also at the head of a large furniture manufacturing establishment, is president of the First National Bank of Marshfield, and conducts a large general merchandise store. He also operates a planing-mill and a large machine shop, and has the most extensive flouring mills in the Northwest. In his various enterprises he employs several hundred men, and his pay roll amounts to three thousand dollars each week.

On the 27th of June, 1887, Marshfield was almost entirely destroyed by fire, and despair filled the hearts of its residents. Major Upham, though the heaviest loser by the conflagration, displayed his characteristic grit, and, unfurling the stars and stripes to the breeze, announced to the people his determination to rebuild the city, and by the first of January, 1888, sixty-two brick blocks of substantial kind were erected and occupied. Major Upham then established many of the enterprises before referred to and through his efforts has made Marshfield one of the thriving and



CAPITOL AT MADISON, WISCONSIN.

rapidly developing cities of northern Wisconsin. His work in this direction shows something of the indomitable spirit and perseverance of the man, and indicates his resolute purpose, his diligence and excellent business ability.

Major Upham has ever been foremost in anything he has undertaken. He was the first to enlist in the Belle City Rifles and was the first soldier ever appointed to West Point. He has ever continued his interest in military affairs, and is a member of both the Loyal Legion and the Grand Army of the Republic, and was elected State Commander of the latter for the department of Wisconsin. He served on the staff of Department Commander Lucius Fairchild, as aide-de-camp, with the rank of Major, and was appointed by President Arthur on the Board of Visitors to the Naval Academy at Annapolis, Maryland. In politics he is an ardent Republican and has used all legitimate means to aid his party in its campaigns. His true worth, personal magnetism, honorable record and executive ability, added to his personal popularity, forced the attention of the people of his State upon him as an available candidate for the governorship. He announced himself as a candidate before the Republican State convention held in Milwaukee, July 25-6, 1894. There were eleven candidates before the convention, and although the votes were distributed among the candidates, Major Upham, from the first ballot until his nomination upon the sixth ballot, led all competitors. The political battle of 1894 will long be remembered as one of the most desperately fought campaigns in the history of our country. A reunited Republican party challenged its opponents to battle upon issues of national importance, and upon the past and present actions of the Democracy. Being unable to boldly face the issues advanced by their opponents, the Democrats

in various sections resorted to personal abuse of candidates and desired by such means to nullify as nearly as possible the disgust and distrust of the masses. In Wisconsin they began to abuse Major Upham by declaring that he forced his employees to accept coupons or company orders redeemable in merchandise at the company's store, instead of cash. Although it was proved by affidavits of workmen who had been employed for many years that these assertions were false, the Democratic leaders kept up the cry and by persistent repetitions disgusted fair-minded men, irrespective of party affiliations, and many of the opposition displayed the American love for fair play and cast their ballots for Major Upham.

The Republican victory in 1894 will be cited for many generations as the greatest political contest of the century. Major Upham and his associates placed Wisconsin among the banner States. In 1890 his Democratic opponent, Hon. George W. Peck, defeated Hon. W. D. Hoard, by a plurality of 28,320. In 1892 Hon. John C. Spooner, after a most vigorous campaign, was defeated by Governor Peck by 7,707 votes. In 1894 Major Upham defeated the twice successful Democratic governor, by a plurality of 53,900, the largest plurality ever given to a gubernatorial candidate in Wisconsin. Although delighted with the returns from the State, Major Upham was probably more gratified with the esteem and admiration displayed by his fellow townsmen by their votes. In 1892 Wood county, in which Marshfield is located, gave Peck a plurality of 441: in 1894 Major Upham carried the county over Peck by 1,123.

On the 7th of January, 1895, Major Upham was inaugurated into his high office. His ripe experience as a man of business has enabled him to administer the affairs of the commonwealth upon sound business principles, and his undoubted integrity and strong individuality assure the citizens of the State that he will control all branches of the government uninfluenced by professional politicians or unpatriotic advisers.

Major Upham united in marriage with Miss Mary C. Kelley, a lady descended from Quaker ancestry, and they have two daughters.

